

Hanging Out *your Shingle* **LOUISIANA** *Style*



CHAPTER 3

Attracting the Right Clients for your Practice



DEVELOPING THE RIGHT CLIENT BASE

Developing the right client base depends on your choosing the right area of law for yourself. You might be drawn to the general practice of law and want to take in every case that walks through the door. After all, you have got student loans to pay off. However, that might not be the way to go. Selecting three or four complimentary focus areas may be more effective. By limiting yourself to a few areas, you will be able to hone your skills faster for those areas which will result in a more efficient practice. Further, marketing a general practice is harder than marketing a niche of focused practice. With a fixed focus, your clients and referral sources will be able to more easily recommend you.

How to Determine What Areas of Law Will Suit You

Choosing the right areas of law for your practice involves some careful soul-searching. Assess your abilities. Consider your background, legal and non legal. Follow your passions. Network with others; ask them what your strengths are. Use your law school as a resource.

Ask yourself these questions to get started:

- **Do you like to argue?** This is the “litigation or non litigation” question. If court room excitement is what you want, be cognizant of the level of ongoing animosity that often continues with opposing counsel outside the courtroom. Litigation is always about arguing and you need to build a thick skin. If you are more the conciliator, perhaps a transactional practice might be a better fit.
- **What tasks do you like to do?** What legal tasks have you enjoyed the most? Is it writing briefs? Negotiating? Client interaction? Oral argument? Take note of what you do like doing and what others say about what you are good at doing.
- **Do you like people?** Much of what we do as lawyers are solitary tasks, whether we are litigators or not. Notwithstanding, some types of law lend themselves to more interaction with others than other areas. Type A personalities, outgoing individuals might gravitate towards litigation practice or a mergers and acquisitions practice. A more introspective, academic person might prefer a tax, antitrust, or intellectual property. If you prefer working with individuals (non corporate clients), trusts and estates, real estate, or family law might be matches for you. Think of other practitioners with personalities like yours, and discuss their area of law with them to get some ideas.
- **Do you want control over your work life?** Do you want to set your work hours? This question directly concerns your life outside the office and the amount of time that you want to have attending to it. If autonomy and control of your time is a high priority, weigh the effects of a litigation practice versus a transactional practice where control may be easier.
- **Do you like routines or unpredictability?** Certain practice areas are conducive to a routine than others. As service providers, attorneys need to be available when the needs arise.
- **Where do you want to live?** Some practice areas will require you to live in a certain area to attract the clients that you want. Think about where you need to be for your clients.



Advantages of a Carving a Niche:

- **Proficiency:** Through dedicating yourself to a certain client base, practice area, or service, you will hone proficiencies that you would not otherwise have time to do had were you to choose a general practice.
- **Marketability:** You might think that narrowing the scope of your practice rules out clients at a time when you need them. However, having a practice limited to a certain scope, you actually increase your marketability to others. You become known for doing “x,” which lends itself to a better description of the services that you are offering. What sounds better? “Call Ann; she’ll take any case. She can help you.” Or “Call Ann with your employment discrimination issue. She focuses on employment law, and works primarily on complicated discrimination matters.”
- **Less Error Risk:** Higher proficiency reduces error risk. General practice lawyers tend to make more mistakes than lawyers who have limited their practice to a few areas.
- **Interest Generating:** Creating proficiency in a few areas cultivates your confidence and continuing interest in those areas, which, in turn, makes lawyering more fulfilling.

Disadvantages of a Niche Practice:

- **Trend Today, Gone Tomorrow:** Niche practices, if drawn too narrowly, are vulnerable to market fluctuation. You can see quite readily after a natural disaster when lawsuits against homeowner’s insurers skyrocket after a strong wind event such as in a tropical storm or hurricane. Such lawsuits decrease dramatically with the passage of a few years without tropical activity. To guard against fluctuations, choose complementary niches that are not triggered by similar events. Be nimble and be able to adjust your business model and offered services so that you can respond to a dwindling need or a new opportunity.
- **Too Narrow of a Niche:** You can limit yourself out of practice before you even get started. If you sense a legal need for a certain type of law, do some research to determine how many lawyers in your area practice in that area of law. Think about whether that niche can accommodate another lawyer. If you are passionate about that niche, choose it, but optimize the chances of success by choosing other areas for your bread and butter.
- **The Great Idea:** You have a great idea for your practice area, and you just know it is going to work. Do some research first. If other lawyers are practicing in the area, that is an indication that the market is viable, but it may also indicate that the market may be too small for another lawyer. If no one is doing it, it may mean that no market exists, or that no competition exists. Before you jump in, become informed. Is this a niche that is too narrow and new to be successful immediately, if ever? Maybe there is a problem, but does it require your services as a lawyer? Or, is the issue more of a political issue which is resolved not through the courts, but rather resolved through local government.
- **Boredom:** The same old, same old gets old quickly. So choose areas of law which are interesting to you enough such that as you encounter similar cases, you can still find something interesting about each of them. Avoid too narrow of a focus. For instance, instead of limiting your practice to only wage penalty cases, expand your practice to include workers’ compensation.
- **Location Issues:** Market saturation can certainly occur for many common areas of law. You can combat that by adding a niche that not many practice such that your reputation will go beyond your local environment. Choose an area of law that has not attracted many practitioners so that you can build your reputation as one who is knowledgeable about that area of law beyond your locale. For instance, civil rights lawyers are not often found in rural areas and litigants will often have to secure legal services from attorneys from an area outside of where they live.

See Appendix #8, Quick Tips on Acquiring Clients.

AVOID THE WRONG CLIENTS

Establishing a positive online presence and building your good reputation takes time away from revenue producing activity. As a result, when you first start, you will be tempted to take any case. Know that good clients will cause you to become a better lawyer and will enhance your reputation as a good lawyer. Bad clients will cause you to doubt your skills and possibly wreck your hard earned reputation. Heed the adage that the bad clients whom you do not take will be the best money that you have never made.

As you spend time trying to attract the good clients, obtain a better understanding of the kind of clients that you want to avoid. Learn to say no.

Reduce client complaints with effective client screening:

Before agreeing to take a particular client, consider these questions:

- ***Can you manage the client's expectations regarding results, and how long will it take to get results, whatever they may be?***
Most clients begin with unreasonable expectations about the value of their matter. If upon meeting your potential client you are not able to adjust your client's expectations, the client will be dissatisfied at the outcome regardless of how well you do your job. You should avoid taking clients with unreasonable expectations and should avoid saying anything to encourage unreasonable expectations.
- ***How concerned is the client about attorney's fees?***
Attorney fee disputes cause a significant number of attorney complaints. If client is trying to make you cut too many corners to keep the bill as low as possible and those cuts interfere with your representation of the client, think twice. Carefully document any rejection by a client of an expense that you feel is necessary for the proper resolution of the matter. If a client cannot afford your services, do not take the case.
- ***Is your client more concerned about the "principle" of the case?***
If your client wants to pursue litigation only to punish the other side because of the principle of the matter, this is a type of client who will resist paying the bill when bill becomes due.
- ***Has the client fired other lawyers?***
If your client has had more than one lawyer, ask your client and listen carefully to your client's response. Consider talking to the prior lawyer(s) before agreeing to take the matter. Clients often change lawyers because of a dispute about legal fees or because of the client's unrealistic expectations. Make sure that you understand why there has been a change of counsel, no matter how good the case seems to be.
- ***Is the client late in getting the case to you?***
Did the client wait to the last minute to seek counsel? Are you days away from a prescription date or from a trial date? Can you rely on the client to give your needed information upon a deadline?
- ***Is the client financially unstable or off questionable moral character?***
Would representing this client hurt your reputation in the community?
- ***Is the client a close friend or relative?***
See below.
- ***Is the matter appropriate for your practice?***
Is the matter out of your comfort zone? If the case is more complicated than your usual case, are you able to associate others to help you? Do you the skill, expertise and time to handle the matter?
- ***Do you have a favorable feeling about your client?***
Do you think that your client is being honest with you? Does the client show confidence in your abilities to represent him or her?

Representing family members or close friends:

Representing family members and close friends can be an excellent to build up a client base through referrals. Assess these factors when thinking about taking a relative's matter:

- ***Setting the fee:***
Family members and close friends will likely expect that your representation on a pro bono or discounted basis. Have the fee discussion before you accept representation. Even if you do agree to take the matter pro bono or at a discount, send a bill with your standard rate and indicate the family discount. This will go a long way in proving the value of your time with your client, even though he or she is a family member or close friend.
- ***Establishing attorney client boundaries:***
Establish a professional demeanor with your client even though he or she is related to you or is a close friend. Keep in mind an older relative may remember you as a child but you want him to take your advice seriously. Try to have formal appointments with your client relative at your office to discuss the legal problem and avoid doing so at family functions. Inform your client that you will not be discussing the matter with anyone except him or herself.
- ***Carefully consider whether you want to take the case:***
Does the matter involve a dispute between family members or between close friends? Are there emotions involved that would rather not stir up with your family or friends?
- ***Guard against being drawn into a matter that involves an area of law that you do not do or would take too much of your time at a discount:***
If you suspect that would concern an area of law that you do not do or the matter would take a lot of your time at a discount, do not be reluctant to decline.
- ***Be honest with your client:***
Are you able to keep objective even though your client is a relative or close friend? Are you able to have a frank discussion if your client is a relative or close friend and disagrees with your assessment?

If you have been through this analysis, and you have determined that it is best that you decline to represent a client in a matter, how and when do you say no?

If you know that you will be declining the matter, do so as soon as you can and follow it up with a written letter. Distinguish whether you are saying “no” to the client or to the case. If you are saying “no” to the case, explain to the client why the matter is not a good fit for your firm. If you like the client but just cannot or do not want to accept that particular matter, keep in mind that the client could be a future referral for other matters. Try to refer the client to another lawyer or suggest other ways that the matter might be resolved.

Other matters that might raise warning flags are as follows:

- Divorce cases where the parties are seriously in debt (unless paid in advance).
- Hurt feelings case, where damages are nominal, but feelings are hurt (for example, a barroom brawl, defamation).
- Cases totally without merit.
- Vengeance cases without merit.
- Meritless cases where client doesn't care about the money, just the principle (but, they DO care about the money).
- Cases which may have merit but with large client expenses (e.g., expert fees) that the client cannot afford. You should not advance costs in these cases.
- If you have a totally miserable client or case that you really don't like, consider the 100% refund of monies given to you by the client, including expenses if necessary.

So you have accepted representation, is it possible to withdraw?

Yes, but your ability to do is restricted by Rule of Professional Conduct 1.16 which states that you may withdraw from representation if:

- Doing so will not have material adverse effect on client's interests;
- Client persists in action involving your services that you reasonably believe is criminal or fraudulent;
- Client has used your services to perpetrate crime or fraud;
- Client insists on action that you consider repugnant or with which you have fundamental disagreement;
- Client fails substantially to fulfill obligation to you regarding your services and has been given reasonable warning that you will withdraw unless obligation is fulfilled;
- Representation will result in unreasonable financial burden on you OR has been rendered unreasonably difficult by client;
- Other good cause for withdrawal exists.

Under certain circumstances, you shall withdraw from representation if:

- Representation will result in violation of rules of professional conduct or other law;
- Your physical or mental condition materially impairs your ability to represent the client
- You're discharged.



Positive Online Presence

BUILDING A POSITIVE ONLINE PRESENCE

The first sources potential clients go to for lawyer recommendations are friends and relatives. The second source is the internet. Before you embark on your first law office, take time to cultivate a positive, relevant, online presence that gets you at the top of search requests. That might require you to separate your personal life from your business life so that you can develop an online professional presence. This might also require you to take any corrective actions, if possible, to remove content that is not helpful. You want to make sure that when potential clients and potential employers search online for you, they see your best foot forward.

Reputation management companies such as Reputation Defender and Reputation.com charge hundreds of dollars to manage your online presence with actions that you can do easily yourself. Rather than spend money on these companies, you can accomplish much of this yourself some fairly easy steps. As follows:

- ***Search yourself.***

Take a look at what others will see when searching for your name. Google yourself and see what happens. Set up a Google alert for your name to be advised of any future content which contains your name.

- ***Obtain a domain name:***

Choose and buy a business domain name. Opt for a domain name that is simple to remember, not too long, to the point, professional, and not too cute. Do not choose a name that is misleading.

- ***Join social networks:***

If you have not done so already, take advantage of social networking and create Facebook, LinkedIn, Twitter and Google+ accounts, if you have not already done so. You have content control over these sites which makes them valuable to you for marketing purposes. Create these accounts in your office name before someone does. Consider creating YouTube and Vimeo accounts as well in the event you want to post relevant video for your practice.

- ***Optimize your online presence on social media:***

In the content that you post, repeat your name and firm name as many times as possible on these sites and customize the URL with your name. Some sites will allow you to link to other social media sites. Cross pollinate your business content (articles, posts, video, podcasts, etc.) on many platforms.

- ***Privatize your private online life and create a public online business life:***

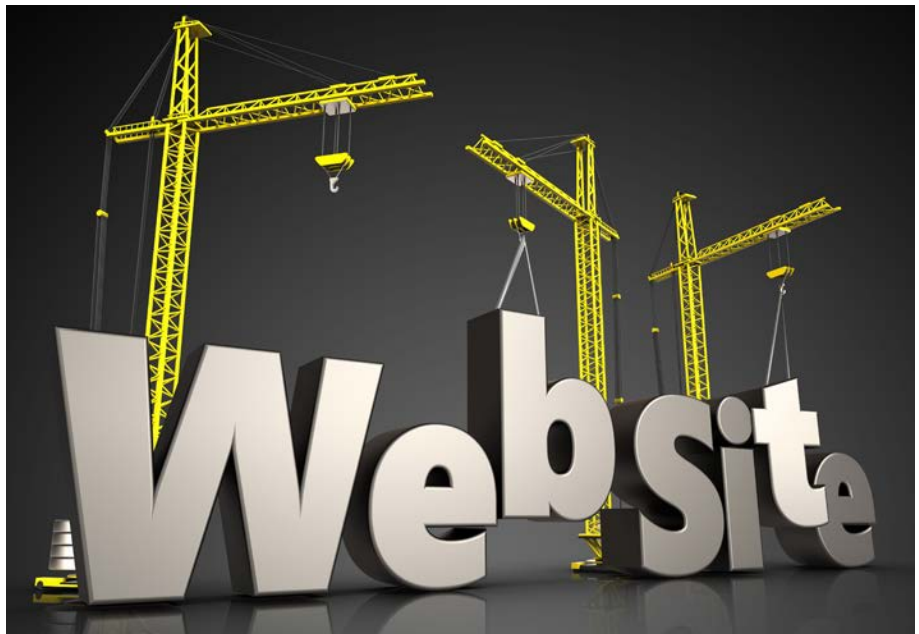
Review your existing social media accounts and make corrections to posted content and privatizing accounts where needed and open separate public accounts for your law office. Check your sites often to ensure the privacy rules for the social media tool have not changed such that your private account which you thought was private has been changed to public.

Claim your work identity on social media before someone else does. If and when you gain traction, you want to be sure that your name is not being used by someone else.

The mere act of creating business Facebook, LinkedIn and Twitter business accounts creates a positive impression on potential clients. You control the content in these accounts, so take advantage of them. These accounts can counterbalance online information that you do not control. Actively contribute to your business Facebook, LinkedIn and Twitter accounts. Engage in forum discussions where potential clients are.

Websites:

Create a simple static website for your firm. Use your website to post a solid and interesting professional biography for yourself and any others in your office. Post quality professional and casual photographs. Be generous about your accomplishments. List community activities. Write content for your website that shows off your expertise and expresses positive values. Use tags to associate your name with keywords (common words that may be used in a search request) for your practice area of law so that your name appears high on a search list. If you add helpful links to your website, make sure that the links remain viable links. Websites with dead links will not leave the user with a good impression.



WordPress, Wix, and other website platforms (Weebly, Webs or Yola) offer basic website design for free. Look for a platform with an easy content management system that is also easy to index and tag for search engine optimization (SEO). These free website platforms and other website platforms offer plugins for additional functionality so that you can add videos, a carousel for your top bar with rotating messages or photos, a forum (if so, opt to always moderate who posts so that you can delete offensive posts you) or other functions. WordPress has a plug in for Google Analytics to connect to your blog or website so that you can determine how many times your site has been viewed. Make your website mobile friendly. The vast majority of adult cell phone users rely on their cellphones to go online. If your site is not mobile friendly, these users may not be able to view your site properly, particularly your contact information.

Content:

Creating content for social media takes time. The trick is to create the content once and publish it everywhere. If you have written an article or content for your blog, find other outlets for it – Facebook, LinkedIn, Twitter, etc. You might create an e-newsletter to discuss a new case affecting potential clients. Offer to be a contributor to a potential client’s website, trade websites, or a lawyer centric website and add back links to your website. Avail yourself of social media management tools which will allow you to cross post across many platforms (e.g., Hootsuite) with one click.

Sites that You Cannot Control:

Lawyer profile sites and directories can help get your name out there. They offer little or no control over content, but offer free high rankings and SEO optimization. But, you need to be careful with them because the content on these sites is often not under your control. You may be tempted to join high powered sites such as AVVO, Justia, FindLaw, Lawyers.com/Martindale.com, Yelp or BBB.org. These can be enticing because of their sheer size and their ability to get you at the top of search requests. Their Search Engine Optimization power certainly can lead to potential client clicks. However, before you use these sites, acquaint yourself with them and research the pros and cons of doing so.



Many of these sites will seduce you by allowing you to list yourself free of charge, and then offer enhanced placement at a charge. Before you spend the money, do sample searches for attorneys who practice the same area of law in your geographical area and analyze those results to determine if doing so would be worthwhile as part of your marketing effort.

Probably the most aggressive of these sites is AVVO which provides rankings of lawyers. All lawyers will begin with a default ranking. Do not claim your AVVO webpage unless you are ready to put the time into increasing your rating. If your score is low, AVVO prompts you to complete your profile. If you want to spend the time and you have enough information to add, you can increase your ranking by completing your profile. Many dislike AVVO because it is impossible to remove information that is deleterious. Educate yourself on how AVVO works. Your AVVO ranking increases by adding to your profile certain tasks – e.g., speaking at CLEs, litigating cases, and a host of other tasks. Learn what these rate enhancing tasks are and have them accomplished before you claim your website.

Justia offers a lawyer directory sorted geographically and by area of practice. You can add video, twitter feed, a blog feed, social profiles and more.

Yelp is now the top local marketplace online directory. While Yelp is most often affiliated with restaurant reviews, it is increasingly used for service oriented businesses too. Yelp results are displayed prominently and are geographic centric. The Yelp site is mobile friendly as well. The downside of Yelp is that once you are on Yelp, you cannot get off. Also you should constantly monitor for negative comments.

No matter which sites you use, abide by your obligations with respect to client confidentiality. Post no false or misleading communications about your fields of practice and post no fake reviews.

Negative Online Comments:

Create a Google alert or use other free tools to alert you when a comment is posted about you. Do not ignore negative comments.

- For those sites where you can control the content, remove the offending comments.
- For those sites where you do not control the content and cannot remove the offending comment, respond quickly in a non-defensive manner while at all times, respecting your obligations as to client confidentiality despite the negative comment. If you know the person, try to contact them and try to work it out.
- Positive online reputation is the best free lead generation for clients.

IRL – In Real Life:

Online reputation is one thing. Your reputation in real life is another where opportunities abound. Just as with your online reputation, you need also to build your real life reputation as well. Prepare and:

- Be confident.
- Go where the non-lawyers are.
- When people ask what you do, don't say "everything."
- Have that elevator speech ready.
- Let everyone know you are a lawyer.
- Try to target your practice area.
- Be wary of marketing services.
- Make sure your contact info is on website.
- Charge slightly less than established firms.
- Don't tell people you are new unless they ask.

Identify opportunities in your real life:

- Go to a Meetup for entrepreneurs or for a group related to your practice area. Volunteer to give a presentation at the MeetUp.
- Volunteer for civic associations. Join groups that are interesting to you.
- If you have children who play sports, that is a bonanza in terms of meeting many people from all walks of life.
- Engage!
- Existing clients! Be a problem solver for them (even non legal issues) and they will refer you to others.
- Big firm, small firm pipeline: Large firms often have conflict issues which preclude representation. These firms will consequently need to refer cases due to those conflicts - let them know about you.
- Become acquainted with practitioners in complimentary practice areas or even shared practice areas. For example, if you are an employment discrimination lawyer, tell your colleague who does worker's compensation.
- Offer to give CLE presentations for the state or local bar associations.
- Join the LSBA's Solo and Small Firm Section, become active and attend their functions.