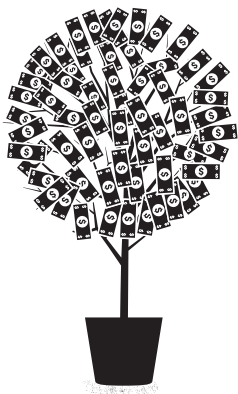


GROW YOUR PRACTICE:

Legal Marketing and
Business Development
Strategies

Editor

Carol Schiro Greenwald, Ph.D.



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INTRODUCTION

“The sky is falling,” cried Chicken Little. “A piece of it hit me on the head.”¹ And so too lawyers often feel that something has hit them on the head. The legal industry is in the middle of an upheaval, the pace of change is accelerating and change itself is becoming mainstream.² It’s a world where clients are in charge. New business models, technology innovations, and non-lawyer competition have combined to make traditional practice a thing of the past. Similarly, the Internet and new ways of sharing expertise and knowledge have transformed lawyer marketing.

In addition, newly empowered clients are flexing their muscles:

- Only 31.4% of clients are truly satisfied.³
- Since 2013, 60% of corporate counsel replaced at least one core litigation firm.⁴
- Three-quarters of chief legal officers said they would be inclined to use a “less pedigreed firm” if there were a 30% overall cost differential.⁵

This book is designed to help you navigate this tsunami by introducing you to marketing and management resources that can help you create a modern law practice—focused on clients, providing services that take advantage of technology products, and competing on value rather than price. As Jordan Furlong says:

Now is the time to create “image campaigns” that tell clients . . . why a lawyer’s ethics, professionalism, expertise, reliability and integrity are worth the premium that we [lawyers] inevitably will cost. These are marketing campaigns that communicate the extraordinary value that a

-
- 1 Chicken Little, retold and illustrated by Steven Kellogg (Harper Collins Publishers 1985).
 - 2 See Jordan Furlong, *You Say You Want a Revolution?*, Dec. 20, 2013, www.law21.ca/2013/12/say-want-revolution.
 - 3 *13 Striking Opportunities for 2014*, The Mad Clientist, Dec. 16, 2013, www.btibuzz.com/buzz/2013/12/16/13-striking-opportunities-for-2014.html.
 - 4 *60% of Clients Replaced a Core Litigation Firm—The Law Firm Purge Has Begun*, The Mad Clientist, Sept. 29, 2014, www.btibuzz.com/buzz/2014/9/29/60-of-clients-replaced-a-core-litigation-firm-the-law-firm-pu.html.
 - 5 *2013 Chief Legal Officer Survey: An Altman Weil Flash Survey*, Altman Weil, Nov. 2013, p. 10, www.altmanweil.com.

lawyer brings—while recognizing and readily conceding that not every situation requires a lawyer’s services.⁶

The book is divided into three sections.

- *Section 1—Marketing Basics* includes chapters on strategy and planning and a chapter on value, including what clients want and how to communicate your value to them.
- *Section 2—Personal Marketing* includes chapters on personal branding, research-based client relationships, consultative selling, knowledge-sharing techniques, online activities and ethics.
- *Section 3—Firm Marketing* includes a firm’s culture, business development supports that organize and enhance individual marketing efforts, client interviews, pricing strategies, public relations and advertising, training and coaching, technology supports for marketing and resources to enhance individuals’ successes.

The chapters are designed to be standalone, which means you decide how much knowledge you need at the moment. You can dip into whatever chapter is relevant to your current plans, or you can read several chapters together in order to create something new. Whatever you do, we hope you find the book both useful and enjoyable.

All of the chapters are written by topic experts. Some are lawyers, some are marketing professionals who work with lawyers, and some are lawyers turned marketing professionals. They all donated their expertise and time to enable the New York State Bar Association to provide a book that will help their constituency grow.

Carol Schiro Greenwald, Ph.D.

Editor

6 See Jordan Furlong, *You Say You Want a Revolution?*, Dec. 20, 2013, www.law21.ca/2013/12/say-want-revolution.

EDITOR

CAROL SCHIRO GREENWALD, PH.D.

Carol Schiro Greenwald helps professionals grow strategically and successfully by showing them how to structure their approach and practice around their best clients. Her methodology is captured in her book *Build Your Practice the Logical Way—Maximize Your Client Relationships* (American Bar Association, First Chair Press, 2012), which provides a guide to growing a practice by fully understanding key clients in their own world in order to be a proactive resource for them. She also coaches and trains individual attorneys in the personal skills needed for excellence in client service and business development.

Ms. Greenwald has worked in-house directing marketing, business development, marketing research, marketing communications and training programs for a variety of well-known professional services firms including Whitman Breed Abbott & Morgan LLP (now Winston & Strawn); Haight, Gardner, Poor & Havens (now Holland & Knight); Richard A. Eisner & Company, LLP (now EisnerAmper); KPMG Peat Marwick; BDO Seidman; and Grant Thornton. She was also a consultant with the MarketForce division of Hildebrandt International before starting her own consultancy in 2000.

Ms. Greenwald is currently a Co-Chair of the Law Practice Management Committee, Westchester County Bar Association; a member of the NYSBA Law Practice Management Committee; and an ABA active member on the Publications Board, Membership Committee and Women Rainmakers Board of the law practice division. She is Past-President of the Legal Marketing Association, Metropolitan New York Chapter. Ms. Greenwald is also a Fellow, College of Law Practice Management, Ann Arbor, MI.

Ms. Greenwald graduated *cum laude* from Smith College, Northampton, MA, and received an M.A. in international relations from Hunter College, CUNY, and a Ph.D. in comparative constitutional and legal systems from The Graduate Center, CUNY. She did post-doctoral research on the federal court system as an Eli Lilly Fellow at the Bunting Institute of Radcliffe College.

CONTRIBUTORS

WENDY L. BERNERO

Wendy Bernero has more than 20 years of experience serving in senior-level management roles for major law firms, including Proskauer Rose, Fried Frank, Paul Weiss, and Akin Gump. Her consulting experience includes several years as a partner in Hildebrandt International, where she assisted firms with a broad range of strategic planning, practice management and development, client team development, research, and branding projects. Beyond the legal sector, her experience includes serving as head of product development, marketing and public affairs for Washington Bancorporation and as press and legislative aide to a U.S. Congressman.

Ms. Bernero is a regular speaker at legal industry conferences and is one of the founders of the New Partner Forum, an annual conference designed to serve the professional and career development needs of newly promoted partners. She also is a regular presenter at practice management conferences and roundtable programs, and was a panelist at PLI's 2014 Project Management for Lawyers program, the leading conference on legal project management. In recognition of her contributions to the legal profession, she was named 2013 *Thought Leader of the Year* by the New York Metropolitan Area Chapter of the Legal Marketing Association (LMA). In 2012, she was inducted into the international LMA Hall of Fame.

MICHAEL DOWNEY, ESQ.

Michael Downey is a legal ethics lawyer and litigation partner at Armstrong Teasdale LLP in St. Louis. Outside general counsel to numerous law firms on legal ethics and risk management issues, Mr. Downey defends lawyer discipline cases, prepares legal ethics opinion letters, and has provided expert testimony in Missouri, Kansas, and the District of Columbia.

Mr. Downey is the author of *Introduction to Law Firm Practice* (2010), and his ethics columns regularly appear in the *National Law Journal*, *Litigation*, *Law Practice*, and *St. Louis Lawyer*. He has taught at Washington University School of Law for more than a decade, presented on legal ethics 350 times, and been quoted in the *New York Times*, *National Law Journal*, *WSJ Law Blog*, and *ABA Journal*.

Mr. Downey graduated first in his class from Washington University School of Law in 1998, and then clerked for the Hon. Pasco M. Bowman,

Chief Judge of the U.S. Court of Appeals for the Eighth Circuit, before entering private practice.

DONNA DRUMM, ESQ.

Donna Drumm is an attorney licensed to practice in New York. Her passion for law practice management began by searching for legal courses while attending Pace Law School that blended her skills as a businesswoman on Wall Street, working as a Federal Funds trader at J. Henry Schroder Bank & Trust, and her business degree from Marymount College with the practice of law. She became a student and research assistant for Prof. Gary Munneke and assisted with the research for his book, *Law Practice Management: Materials and Cases* (2d Edition). Prof. Munneke invited her to become a member of the New York State Bar Association's Law Practice Management Committee upon graduating from Pace Law School and she continues to be a member. As an associate at the law firm of Boies, Schiller & Flexner, she assisted top managers during its seminal years growing from four offices to eleven. Her affiliation with bar associations became professional when she joined the staff of the Westchester County Bar Association as the CLE & Publications Director and then Executive Director until 2014. Ms. Drumm is admitted to practice in New York State and the United States Supreme Court.

SUSAN SALTONSTALL DUNCAN

Susan Saltonstall Duncan is the founder and president of RainMaking Oasis, LLC, a business development and management consulting firm that helps lawyers and law firms create, execute, and evaluate effective strategic and business development initiatives. She has been working with law firms since 1980, providing consulting services for over 27 of those years.

Ms. Duncan helps law firms and individual lawyers develop strategic plans, client service and value programs, key client team plans and practice group and industry group plans. She conducts service feedback and needs-assessment interviews with law firm clients and provides business development coaching and training to partners, counsel, senior associates, and practice group and firm leaders.

In 2011 and 2012, Ms. Duncan served as Chief Strategy and Development Officer of Squire Sanders, a global law firm with 36 offices in 17 countries. She became one of the first in-house law firm marketing directors in the country in 1984 and is a founding member of the Legal Marketing Association.

Ms. Duncan is a Fellow in the College of Law Practice Management and in the Legal Marketing Association's Hall of Fame. Her articles have been published in numerous national publications, and for eight years she was the author of "Rainmaking" and "Fresh Out," two regular columns for the ABA's *Law Practice* magazine. Her blog, InFocus: Insights on Legal Practice Strategies and Innovations, covers timely topics in the legal profession. She speaks frequently for national and regional organizations throughout the country.

CHRISTINE FILIP, ESQ.

Christine Filip is an attorney and the president of Business Development Partners in New Jersey. Ms. Filip is an expert level business developer and corporate strategist for professional services firms and B2B companies, as well as not-for-profit organizations. She has been a media commentator and speaker for professional and business associations for over 25 years on all facets of business development, public relations, pricing, media relationships, social media and negotiations. Her firm's work devotes significant attention to the multi-stakeholder drivers of profitability, including client loyalty and employee engagement, executive leadership and corporate citizenship. Ms. Filip is the author of over 100 articles on all aspects of business development, as well as the book, *Effective Marketing for Lawyers*, 2d ed. (2006), published by the New York State Bar Association. She is the creator of *Rainmaker College*, a three-session seminar series at the New Jersey State Bar Association.

Ms. Filip was the president of The Success Group in New York City for 21 years. In 2009 she became the Director of Marketing at Greenbaum, Rowe, Smith & Davis LLP; from 2012 to February 2014 she was the Director of Business Development at Saiber LLC. She reopened her consulting practice in February 2014.

Ms. Filip has been interviewed in all media venues on competitive strategy, pricing, negotiation skills, leadership and building relationships with the media. In 2000 she was awarded the SBA Service Award by SCORE NYC for developing and delivering marketing seminars for small business owners in all five boroughs. She has a J.D. from Suffolk University Law School, an M.Ed. from Eastern New Mexico University, and a B.A., *magna cum laude*, from the University of Rhode Island.

TERRI PEPPER GAVULIC

Terri Pepper Gavulic is Director of Legal Support at Fisher & Phillips LLP, a national labor and employment law firm. Her responsibilities range from oversight of the firm's 30 offices and office managers, to strategic initiatives such as legal project management and process improvement, client and customer service, firm growth issues, training and coaching, and special projects for the firm's Management Committee, as well as operational programs such as leasing and insurance. Ms. Gavulic spent more than two decades working with law firms and professional services organizations in areas such as client relationship development and management, marketing, business development, customer service and strategy. She was previously a Vice President and CMO of the former Hildebrandt International, and led that company's client assessment team.

Ms. Gavulic is a sought-after author and speaker on subjects relating to all aspects of the business side of law firms. Prior to her law firm tenure, she worked on Wall Street as a manager of IPOs; in the non-profit sector, serving as Director of Marketing and Director of Development for the National Kidney Foundation of Georgia; as Director of Marketing for a national real estate franchise organization; and in a public relations agency. She received her MBA from the Warrington College of Business of the University of Florida in April 2009 and her B.S. in Journalism and Communications from the University of Florida in 1979.

MARCIA GOLDEN

Marcia Golden is the Managing Partner of DJD/Golden, a full-service marketing and communications firm offering clients the opportunity to select from an à la carte menu of marketing services or to fully integrate public relations, marketing, website renovation and SEO, advertising, social media, branding, collateral design and direct mail outreach cost-efficiently. An experienced marketing, advertising and public relations professional, Ms. Golden also teaches classes in public relations, advertising, social media and business development to individual law firms, accounting firms and other professional service firms, privately and publicly held companies, non-profits, and to such professional organizations as the AICAP/AAM and Legal Marketing Association communities. A former journalist and National Public Radio newscaster, she produced a syndicated series on the environment, which led to her nomination to serve on the President's Commission on the Environment. A native of Michigan, Ms. Golden is a graduate of Michigan State University.

ALAN LEVINE

Alan Levine has spent his 30-year career marketing professional services. He has extensive experience in the full range of marketing and communications, including marketing planning and implementation, advertising and collateral material, market research, community service, marketing events, public and media relations, and customer research. He has spent most of his career in positions of marketing leadership in law, accounting and consulting firms.

Mr. Levine has served as Director of Marketing for four prominent New York/New Jersey law firms—Weil, Gotshal & Manges LLP; Fried, Frank, Harris, Shriver & Jacobson; Pitney, Hardin, Kipp & Szuch LLP; and Cole Schotz. Prior to that, he was a marketing consultant with Hildebrandt, which had been the world's leading and largest consulting firm to the legal industry, and he was responsible for Hildebrandt's own marketing efforts.

LAURA MEHERG

Laura Meherg is a founder and partner with the Wicker Park Group, a consulting practice that focuses exclusively on integrated client feedback programs and related client-facing growth programs. She has conducted thousands of client interviews over the past 15 years. Ms. Meherg was Director of Client Services and Marketing at Burr & Forman from 1998 to 2005. At the firm, her responsibilities covered every aspect of marketing and training. After leaving, she founded Meherg Consulting, which later became part of the Wicker Park Group. She is past-president of the Southeastern Chapter of the Legal Marketing Association and has served multiple terms on the board of directors of the Legal Marketing Association as Secretary and Member at Large.

NANCY MYRLAND

Nancy Myrland is a Legal Marketing, Content and Social Media Consultant, Strategist, and Trainer to lawyers, law firms, and legal marketers.

Ms. Myrland has more than 20 years' experience in partnering with her clients to help them grow by strengthening the relationships that exist between firms, attorneys and clients. After serving as the Director of Marketing at Baker & Daniels (now Faegre Baker Daniels), Ms. Myrland started Myrland Marketing & Social Media in 2002.

After serving on the Legal Marketing Association Midwest Board of Directors and various committees, Ms. Myrland served on the 2013 and 2014 LMA International Board of Directors. She is also a Co-Chair of the LMA Social Media SIG, and a member of the LMA Technology Committee. In her community, she has spent many years volunteering in the business and social service sectors.

Starting in 2006, Ms. Myrland immersed herself in the integration of social media into existing marketing practices, and became a Certified Social Media Consultant in 2009. She is the publisher of the Myrland Marketing Minute blog, where she frequently writes about social media, business development, strategic marketing planning, and other marketing topics. She is also the founder of LinkedIn Coach For Lawyers, and is launching a legal marketing podcast to help lawyers make sense out of marketing and social media.

DAVID J. ROSENBAUM

David Rosenbaum is CEO, president and chief technologist at Real-Time Computer Services, Inc. (RCS). He is a 35-plus-year veteran of the information technology field and a third-generation entrepreneur.

Mr. Rosenbaum founded RCS in 1982 with the goal of bringing Fortune 500-level technical services to small and mid-sized firms, combined with an absolute commitment to the principles of professionalism, ethics and trust.

Mr. Rosenbaum has consulted to a large variety of organizations on business issues related to automation. He has provided tactical and strategic planning in the legal, banking, accounting, logistics, public relations, brokerage, travel, real estate, human resources, oil and gas exploration, and pharmaceutical industries, for both privately held and publicly traded companies. He has automated the operations of many mid-sized businesses and professional practices, and has been retained by investment bankers to perform technical reviews and due diligence analyses preceding mergers and acquisitions. Mr. Rosenbaum has particular expertise in designing and implementing technology solutions for domestic and international companies with multiple operating offices or locations.

Prior to forming RCS, Mr. Rosenbaum worked on Wall Street managing and building front- and back-office cutting-edge technology systems for a variety of prestigious clients including Merrill Lynch, Chase Manhattan Bank and First Wall Street Corporation.

Mr. Rosenbaum holds an M.B.A. in Management Theory and Organizational Behavior from New York University's Stern School of Business, and a B.A. in Mathematics and Physics from Adelphi University, Garden City, N.Y. He is President of the Westchester Business Network, on the Steering Committee of the New York Business Forum, Honorary Chair of the Westchester County Bar Association Technology Committee, a member of the Mercy College Legal Studies Advisory Board, and President of the Ardsley Estates Civic Association.

JOHN RUMELY

John Rumely is an experienced legal marketing professional with over a dozen years' experience in legal business development. He currently consults and is located in New York City. His experience includes serving as Senior Manager, Business Development for Nixon Peabody LLP, where he focused on the business development needs of several practice areas, and the marketing needs of two of the firm's offices. Other experience includes serving as Director of Marketing for Hawkins Delafield & Wood, where he oversaw a ground-up marketing and branding initiative. These two roles included serving as an in-house coach, working with a number of attorneys at various stages of their careers. Prior to his work in legal marketing, Mr. Rumely had over 20 years' experience in the municipal finance industry. He is a graduate of Boston College and Harvard University's Kennedy School of Government.

NANCY B. SCHESS

Nancy Schess represents businesses, both locally and nationally, in diverse industries including banking/finance, hospitality, entertainment, building services, manufacturing, and transportation. She practices in all facets of labor and employment law, including equal employment compliance and litigation, wage and hour, FMLA and employee leaves, and plant closing compliance. Ms. Schess also practices occupational safety and health law.

Working closely with clients, Ms. Schess develops and implements preventive personnel policies and strategies that foster litigation-free workplaces. She also provides advice and counsel to help her clients successfully manage their personnel assets. Her experience includes developing and presenting customized training programs on topics including "Prevention of Workplace Harassment," "How to Conduct a Defensible Internal Investigation," "Tips on Effective Performance Management," and other compliance issues.

Ms. Schess is the co-founder of Gotham City Networking, Inc., an organization based in New York City that offers networking opportunities across multiple industries. She has appeared on television and radio and as a frequent speaker for professional associations and other groups.

DEE A. SCHIAVELLI

Dee Schiavelli is a national business development consultant, professional speaker, and LinkedIn expert. She advises and coaches clients on effective ways to develop new business and helps them use social networking to build their client and referral networks. She has successfully helped lawyers bring in clients and build loyalty.

Ms. Schiavelli has more than 25 years' experience working with law firms and served as marketing director at several top-tier firms in New York before starting Results Marketing for Lawyers. Earlier in her career, she was a senior manager of marketing at two global accounting firms. Ms. Schiavelli has worked extensively with firm leadership, practice areas and individuals in large and small firms. Her experience has enabled her to understand law firms and how to help lawyers bring in new business.

Ms. Schiavelli is a certified Social Media Strategist who works with firms and individuals to maximize their social media presence to build their business. She focuses on LinkedIn and coaches lawyers on how to maximize their presence ensuring a client-focused profile that relates to their clients' needs. She also helps lawyers expand their network and build business-generating relationships.

Ms. Schiavelli earned her Bachelor of Science, Management and Communications, *cum laude*, from Adelphi University, Garden City, NY; she is also a Certified Professional Trainer.

STEVEN SKYLES-MULLIGAN

Steven Skyles-Mulligan is a New York City-based branding, communications and marketing consultant with over 20 years of experience. He is currently Executive Director of Evoke Strategies Ltd., a firm which provides outsourced marketing department and virtual creative agency services to professional firms. Mr. Skyles-Mulligan regularly works with attorneys, accountants and financial advisors to help them create stronger brands, craft more compelling messages, and develop steadier approaches to effective marketing. His legal clients have included exceptional boutique firms that practice in the areas of bankruptcy, corporate, elder law, health care, intellectual property, real estate, and trusts and estates. He has

also worked with clients in consulting, financial services, health care, higher education and technology. Prior to founding Evoke Strategies, Mr. Skyles-Mulligan was with the strategy group of Plural, Inc. (now part of Dell Professional Services).

Mr. Skyles-Mulligan is a regular speaker on practical branding and marketing and also co-presents at CLE programs for various bar associations and providers. He is co-author, with Carol Schiro Greenwald, of *Build Your Practice the Logical Way* (ABA/First Chair Press, 2012). He holds a B.A. in the history of art from Indiana University and did graduate work at New York University's Institute of Fine Arts.