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Ten Marketing Tips to Rejuvenate Your Plaintiffs Practice

By Debra L. Rhodunda

Being consumer-oriented, plaintiff law firms on average spend approximately seven to eight percent of gross income on marketing — almost four times as much on marketing as general practice firms do — and they spend more on ad space, television and radio spots than any other set of legal practitioners.

Although plaintiff firms do spend more on marketing, they have an advantage over general practice firms. They know if their marketing efforts are working, since plaintiff firms can track how many clients are brought in by what medium. Determining actual marketing benefits for general practice law firms is considerably fuzzier.

Typical marketing techniques used by plaintiff firms include (1) reliance on referrals; and, (2) direct marketing tools such as Yellow Pages ads, website, brochures, newsletters, seminars to targeted groups of individuals, press releases, and the like.

For some firms, the traditional tools aren't enough. They need information and an infrastructure that will direct their future marketing decisions. If this describes your firm, consider the following ten marketing tips to rejuvenate your plaintiffs practice:

TIP ONE: Focus On Current and Past Clients as Referral Sources

Unless a client is unusually accident prone, your firm will require a constant stream of new clients to keep busy. While repeat business from a satisfied client tends to be rare, referrals from clients are an invaluable source of new business. Satisfied clients will be proponents of the firm. These third party recommendations are a strong influence on a potential client's selection of a law firm.

Consider systematically asking both current and past clients for a referral. Although you may dislike directly asking for additional work, clients are typically not offended and may not think of referring unless asked to do so. Research from Altman Weil client survey projects indicate that many clients have not

referred a particular law firm simply because they were never asked to do so. The worst that can happen is they will not refer business to the firm. But most clients will make a recommendation as long as they liked their treatment and trust and respect you and your firm.

TIP TWO: Maximize Your Firm's Website

Recent research indicates that the Internet is becoming a primary source — after referrals — for consumers to find information about individual lawyers and law firms in their selection process. These design features will increase traffic flow to your website.

- **Clear Content.** The primary purpose of your website is to show potential clients and referral sources why they should select your firm. The key is to differentiate your firm from others. Explain why people have chosen your firm, what they liked, and why they would refer your firm to a friend, then build on that. Make sure the firm's phone number, address and e-mail are prominent and in the same location on every page of the website so potential consumers can quickly reach you.
- **Consistency.** Your firm's website should have the same look and feel as its other correspondence and marketing communications, fact sheets, business cards, etc. Making everything consistent creates a professional image.
- **Optimization.** Optimization is the technical term for designing a website with specific key words and page descriptions so that when specific terms or keywords are utilized in a search, your website will appear in the listings. Some search engines are now using other factors, like word or term frequency on a page or number of links from other highly trafficked sites to rank search results. Why should your firm care about search engine optimization? Hundreds of millions of searches are conducted every day

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and almost all start with a search engine. With billions of pages indexed on the Web, many sites never get found. Having a successful website depends on getting the firm's site into the top search results of the major search engines.

- **Directories and Search Engines (e.g., Premium Listings).** Consumers typically use two main categories of tools to find a law firm's website; (1) search engines, which use automated processes to find websites; and (2) directories, which are human-edited web resources. It is important for the firm to invest in directories and search engines to maximize its presence on the Internet.

TIP THREE: Provide Excellent Client Service

Plaintiffs' cases can take up to five years before settlement or completion. It is critical to offset any potential client dissatisfaction during that timeframe. In addition to providing quality legal work, develop a program to ensure your clients are kept informed about the status of their cases. Altman Weil client survey research shows that "lack of responsiveness" is a primary reason for consumers' dissatisfaction with their lawyers. Keep your clients happy and they will market for you.

Are your clients satisfied with the services you and your firm provide? Not sure? Ask them — through a client survey. Properly designed, client surveys can help your firm to evaluate clients' level of satisfaction with the firm, inquire about referral opportunities, and more. For most firms, information from clients can provide the platform for a formal strategic planning or business development program. If you haven't conducted a client survey in the last three years, consider doing so.

TIP FOUR: Develop a Flexible Capabilities Brochure

Brochures are a sales tool developed to encourage people to do business with you and your firm. Brochure designs should visually and in text explain the firm's capabilities and differentiate it from other law firms. As you create your brochure make sure the design is flexible in terms of an ability to update or tailor content as needed. Consider having a two- or four-color cover printed with the firm name and artwork on the front and contact information on the back. The firm can then print inside pages in black and white text on both sides of heavy, glossy paper or outsource the production of these smaller, individual pages (e.g., copywriting, design, advertising-style stock photography, and printing). The advantage of this process is that the same printed cover can be used with different contents for different types of cases and clients or referral sources, the contents can be easily updated, and the firm can print only as many as it needs at that time.

TIP FIVE: Develop an Electronic Newsletter

Don't have a newsletter? This is an essential communication to keep your firm's name in front of your clients and to showcase your expertise in one or more practice areas.

Still sending hardcopy? Investigate the firm's ability to distribute your newsletter electronically. You can then re-use the same marketing piece by posting the e-newsletter on the firm's website for visitors to read through, and use it in other marketing initiatives as well. Of course, you'll need clients' e-mail addresses. Make sure you ask for them when opening a file and in follow-up correspondence.

TIP SIX: Keep Your Yellow Page Ad, for Now

An ad in your local Yellow Pages can be very effective in reaching peo-

Legal Landscape: Issues and Trends for Plaintiff Firms

- **MEDICAL MALPRACTICE INSURANCE IS BIG NEWS IN MANY STATES WITH ONGOING LEGISLATIVE INITIATIVES** of potential caps on punitive damages of \$250,000. President Bush favors tort reform, which was one of his top legislative priorities before September 11.
- **ISSUES OVERLAP FOR MEDICAL MALPRACTICE AND PERSONAL INJURY LITIGATION**, since in both cases a plaintiff's firm is suing doctors and insurance companies for damages on behalf of a patient.
- **JURY AWARDS ARE HIGHER EVERYWHERE.** Plaintiffs are winning more and larger verdicts than ever before.
- **NEW TYPES OF CASES.** Recent trends regarding the types of claims litigated by plaintiff law firms show significant increases in toxic mold, prescription drug, and obesity surgery cases.
- **PREMIUMS ARE SKYROCKETING.** Because of the increasing ease of changing trial venues to metropolitan areas, along with spikes in jury awards against physicians in some rural state counties, some physicians have seen their premiums rise by as much as 20%, 30%, even 100% or more. Insurers, which used to rate risk based on specialty and location, are now in some cases building a risk factor into rural premiums.

ple with an immediate need for consumer-oriented practices. Vigorously track leads and let the tracking results dictate whether a change is warranted.

TIP SEVEN: Understand the Power of PR in Trial Strategy

Public relations can be a powerful trial strategy tool for plaintiffs' attorneys. A successful PR campaign, beginning in advance of complaint filing, can result in media coverage that may encourage opposing counsel

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to settle rather than go to trial. However, a defense attorney might use PR to preserve his or her client's reputation or head-off a potential lawsuit. Consider how your firm can effectively leverage PR to get results.

**TIPS EIGHT AND NINE:
Develop A Formal Lead Tracking
Process and Invest in Resources**

These two tips go hand in hand as most plaintiff practices' marketing initiatives touch upon collecting information and using this information as a basis for future marketing decisions. While developing a formal methodology to track leads is important to understand where clients heard of the firm and why they chose to contact the firm, it is just as important to have immediate access to this collective data for decision-making.

As your firm thinks strategically about marketing systems, think beyond mailing lists and contact management software. Consider developing a marketing database, which tracks all relevant information about anyone with whom the firm does business, using one of the specific

**Are Premium/Paid Listings for Search
Engines and Directories Worth It?**

The clients that your plaintiff firm wants to target will not necessarily know to search a particular directory or use a specific search engine. But, as long as the directory or search engine optimizes key words relevant to your practice so it pops to the top of query listings, it is a good marketing move. Although to maximize your investment, go the extra step and pay for a premium/paid listing in the more voluminous venues as end-users typically will not scroll through more than a page or two of sites at the most.

Also, make sure your intake tracking process includes the ability to track how many people came to your firm as a result of the particular directory or search engine. After a period of time and review of that data, you and your firm will be in a better position to decide whether or not to keep the listing.

customer relationship management (CRM) products developed for law firms. The benefits of using CRM soft-ware include the ability to (1) harness contact information from isolated islands of client touch points — phone, e-mail, events, and the like — and bring them together into one comprehensive, firm-wide view; and, (2) empower staff to execute automated marketing campaigns from the same central database.

In this way, marketing expenditures, media productivity and quality of leads can be tracked more effect-

ively, which is important to determine if certain marketing initiatives are working.

**TIP TEN: Organize Staffing to
Maximize Contact with Potential
Clients**

In busy plaintiffs firms, there can be a number of different people who take inbound calls from potential clients. Inconsistency tends to abound regarding information extracted from potential clients and often worsens during trial periods when lawyers, paralegals and secretaries are consumed with trial preparation. Stopping to answer the phone and getting the correct details becomes a lower priority. Consider consolidating inbound calls to one person and tasking that person with upkeep of the firm's marketing database. This person should not be the receptionist, as he or she cannot always commit the required time to speak with clients in detail.

Maximize your marketing dollars by planning and taking action. In a climate of fierce and continuing competition for clients, it may be in your best interest for long-term survival. ♦

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