

See if you recognize your own marketing approach in the following description: When business is good, you're scrambling to keep up with your caseload and not marketing at all. It is overwhelming enough to find yourself in a position that requires you to be a shoulder to cry on, a skilled mediator, a trial attorney, and fire fighter simultaneously. But when business starts to fall off, a sense of panic creeps in and you desperately try to market yourself. Some of these marketing efforts pay off, the panic dies down, and the work begins to come in again.

So you stop marketing...until the next time. And the practice always seems as if it is in this cycle of stress and frustration...either too much production or never enough.

Does this sound familiar? For many family law attorneys, especially solo and small-firm practitioners, this frustrating feast-or-famine cycle repeats itself over and over again throughout the lifetime of their practices. If you recognize your own sporadic approach in this description, you probably never feel in full control of where your practice is going, and a consistent, predictable stream of good clients remains elusive. Fortunately, there is a solution. A good client development plan, when properly implemented, can flatten the cyclical nature of your practice and make your marketing efforts much more successful. And it doesn't have to be difficult, expensive, or elaborate to be effective.

As practice advisors to attorneys



Put 5 Rainmaking Habits to Work for You

Don't assume that clients automatically will think of referring others to you

throughout the United States, we are often called upon to help clients formulate marketing plans. Very elaborate plans are never used because they are too complex; we advocate a simpler approach. We begin by gaining agreement on two very important assumptions: first, we believe that the best family law clients come not from Yellow Pages, but from referral sources and that relationship-based marketing is the least expensive, most comfortable, and most ethical means of building a family law practice. Second, that one size does *not* fit all; a sustainable relationship marketing plan has to be customized to each individual personality, as well as values and interests.

Given this, we recommend the development of relationship-building habits. At Atticus, we call them the “5 Rainmaking Habits,” and they significantly leverage your marketing efforts because you do them week in and week out. After awhile they become second nature. Any marketing plan that is just a list of to-dos and doesn't include a persistent and habitual client development focus is likely to be ineffective and soon forgotten. That doesn't happen when you build in the right habits and commit to implementing them on a weekly basis.

Make it a habit

In a nutshell, the 5 Rainmaking Habits are:

The “have three marketing contacts” habit. These contacts could involve lunch, might happen at the courthouse, or at a bar association

event—so long as they involve at least 20 minutes of building rapport and relationships with existing or potential referral sources. Always take advantage of serendipitous meetings, but block time in your calendar to consistently market yourself three times a week. The results are worth the effort: 3 contacts x 50 weeks = *150 marketing contacts a year*. If 150 contacts don't make a difference to your business, nothing will. This is, by far, the most important of the 5 Habits to implement.

The “asking for referrals” habit. At the conclusion of each case, say: “My practice has been built on (or relies on) referrals from people like you. If anyone you know needs my services, I'd appreciate your mentioning my name.” You don't have to use our words, but this is the general idea. Don't assume that clients automatically will think of referring others to you, as it may never occur to them. If you send any follow-up correspondence, repeat the suggestion there as well.

The “sharpening the saw” habit. Stephen Covey made the phrase “Sharpening the Saw” famous, and it means that we must seek constant improvement if we hope to achieve excellence. From Atticus's perspective, we believe that you must develop a marketer's mindset. Read a marketing book or articles on marketing once a month, supplemented by a marketing workshop whenever you have the chance. We teach marketing over the telephone to attorneys all over the country in a course called “Rain-

makers,” but you don't have to participate in one of our calls to learn about marketing. We believe that the extreme distaste many family law attorneys feel when it comes to marketing is due to lack of training. With relationship-based marketing, you already possess many of the skills you need to be successful but don't realize it. You have what it takes—but you must learn how to apply it strategically. Educate yourself about marketing at every opportunity.

The “thanking referrals” habit. Thanking referral sources every time they send a client, regardless of whether the client hires you is imperative. Send a handwritten note, pick up the phone, or take the referrer to lunch every time they make an effort to send a client your way. Always reward this behavior as promptly as you can so that the referral source will think of you the next time he or she has business to send.

The “adding names” habit. Some referral sources are better than others and deserve the bulk of your attention. But they will move away, shift careers, retire, or otherwise stop sending you business. It pays to keep meeting new people to continually add new streams of referrals. For example, one family law attorney we know reads the “Welcome Section” of his bar news and calls each new attorney who comes to town and invites him or her to lunch. The new attorney feels welcomed, and a new person is added to the first attorney's network. Another attorney attends bar functions with the

goal of always meeting three new attorneys who don't practice family law. She does this by always sitting at tables with no one she already knows.

If your client development plan consisted of nothing more than implementing these 5 Rainmaking Habits, you'd have a much greater sense of control over your marketing, you'd see an improvement in the number of referrals sent—and you'd keep the panic at bay. But to help you be even more strategic as you build these marketing habits, here are a few more client development distinctions that all basic client development plans would address.

Knowing who to talk to

If you don't know who to market to, your three marketing contacts a week will be misdirected and, given that you don't have time to waste being ineffective, it pays to know the answer to this question before you start. There are two groups of people on which to focus. These are *your clients* as well as *the people who send those clients to you*. Let's take a closer look at these two groups, starting with your clients.

Identify your target market.

Generally speaking, this is the group of people that you serve. People seeking a divorce, help with custody issues, a prenuptial agreement, or perhaps an adoption. These are all people you can help. But since the quality of your clients dictates the quality of your practice, you must define your potential clients not only by the problems they bring, but by the demographic and psychographic details most likely to predict their ability to pay, their level of cooperation, and likelihood of a successful outcome. Among the broad group you generally regard as potential clients are another group we'll call your *ideal clients*. The ideal client presents the kind of problems you are most interested in, and even passionate about, solving. Most importantly, ideal

clients are those who can actually pay for your services. They are the first group to identify when putting together a marketing campaign because you need to know how to attract the group that is ideal for you and your practice. Your plan hinges on properly identifying this group. If you spend time marketing to referral sources that aren't tied to your preferred clients, they'll send you the wrong clients and you've wasted a lot of time. So let's examine their characteristics.

Your ideal clients will have unique socioeconomic, demographic, and psychographic attributes. Let's say, for example, you are a family law attorney interested in working with high-net-worth individuals. Your primary or ideal client (1) will probably be more highly educated than the average person, with at least some college, if not an advanced degree or two. (2) Your client will often be a professional (or the spouse of one), or may be an entrepre-

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neur (or the spouse of one) who owns one or more businesses. (3) Your ideal client will have a high level of assets (*choose a level you are comfortable dealing with*), and the complex financial issues that accompany that level of assets. Generally, this means he or she will also

have the ability to pay for your services. In addition, (4) your ideal client will range in age from mid-thirties to late fifties (though the upper age-range is shifting as empty-nester divorces gain in popularity); and (5) tend to live in specific neighborhoods, hold memberships in specific clubs, participate in certain charitable efforts, and attend prominent churches.

Identify your primary referral sources. This is the group of people in the best position to influence your targeted group of clients to use your services. We'll discuss them by category, dividing them into the groups that are most likely to come into contact

Get Marketing

A checklist of easy ideas that pay

1. Serve on a local board. Choose one that includes professionals to which or through which you can market your practice: community movers and shakers, social workers, psychologists, doctors, dentists, CPAs, architects, engineers, politicians.

2. Make client handouts routine. Every educator will tell you that most of us retain more of what we both see and hear. In addition to telling your client what's to come, give him or her your business card, a firm brochure, and a handout that addresses a targeted topic of interest. *Family Advocate* has created a whole series of these that cover the gamut from basic client-history information gathering to alternative dispute resolution, surviving a divorce, what children need, a handbook written by and for kids, and postdivorce financial planning. (See back cover.) Buy these and give them to clients, or leave them in your reception area.

3. Send an exit letter and follow-up reminders. Don't let your client walk away without an exit letter and firm survey in hand. Keep it short and simple. Ask what you did right and wrong, whether the client would refer friends and family, and whether there is anything else the client needs from you. Include your firm brochure, a new business card, and reminders of items that require follow up: if the client is thinking about remarriage, explain the value of

with your potential clients.

For family law attorneys, they are (1) your colleagues—other attorneys you know, including your competition (they can refer conflict business); (2) your partners, if you have them; (3) other professionals, such as CPAs (they rank as the number one most trusted professional and their referral potential is very strong); (4) psychologists, therapists, marriage counselors; (5) financial advisors; (6) business valuation specialists, and other experts; and (7) clergy.

Also, for most family law practitioners, your (8) past and present

clients should be strongly counted as potential referrers. A key indicator of client satisfaction is that former clients send a significant number of referrals. If you aren't receiving at least 30 percent to 50 percent of your referrals from your existing client base, focus a part of your marketing campaign on improving the level of service you deliver.

To determine the categories of people you are already getting referrals from, list them and focus on developing relationships in categories of people who are not yet sending referrals. Write the eight categories (CPAs, psy-

chologists, clergy, etc.) on a piece of paper underneath each category. Then list the names of the people who send you business. Put a star next to those you presently consider your best referral sources. This is a vitally important group that you should cultivate as part of your campaign. This step is critical: make a separate list of these individuals and keep it in an easy-to-access location so that you can review the names frequently and stay in communication with them. Your goal is to have twenty people on the list, even if you start out with far fewer. (Hint: have your bookkeeping software generate a report of all clients for the past

a prenup; routinely suggest the changing of beneficiaries and cosigners, and encourage the immediate update of estate plans and wills, etc. Send a calendar to those you anticipate might have future custody issues, encouraging them to jot down important information, such as missed visitation dates, late pickups, etc.

4. Include a message with every bill. Offer fun facts, inspiring quotes, or practical tips. Tell who in the firm is writing on a particular topic, or participating in a CLE program or a public forum on a topic of interest.

5. Think carefully before paying for PR. For most small firms, hiring a PR consultant is a waste of time and money because such firms are generally geared to serve large law firms and rarely are able to target services to a family law practice.

6. Build your CV. Join state, local, and national bar groups such as the ABA Section of Family Law, American Academy of Matrimonial Lawyers, American College of Family Trial Lawyers, International Academy of Family Lawyers, etc., and participate in online discussions, CLE programming, lunch hour teleseminars, and networking opportunities.

7. Network with other lawyers. Create a networking niche for bountiful referrals among a diverse group of nonfamily law attorneys. Join other ABA sections, such as GP/Solo, Litigation, Real Property, Estate & Trusts, etc. (see list at www.abanet.org), and get to know and network with lawyers who do not practice family law.

8. Limit the number of open files. Exclusivity is

good marketing practice. Market your expertise and ability to provide personal service and attention.

9. Great giveaways. Classy promotional items stamped with your firm name and address speak volumes. A leather-bound West Pocket Diary can be imprinted with your name and address for about \$3 each. This handy pocket-sized calendar, includes a datebook, address book, legal glossary, interest rate chart, area codes, time zones, color maps, legal information on buying a house, what to do if arrested, etc. (Purchase 50 to 99 at \$3.15 each at <http://west.thomson.com/store>.)

Baldwin Cook offers a useful 8½ x 11-inch desk calendar that can be embossed with your firm name and address. Order them in bulk and hand them out at the beginning of each case. Send to former clients with a thank-you note and a reminder to keep a journal of visitation dates and issues or other professionals who refer you work (\$30 to \$38 at www.baldwincooke.com).

Order local Zagat Deluxe Edition restaurant guides or U.S. spa resort finders in bulk and have them embossed with your name and contact information. With a 20-book minimum order, prices start at \$16.50 for local guides and \$18.50 for national guides (call 800-540-9609).

10. Acknowledge referrals with handwritten notes, embossed thank-you cards, or gifts, even if you don't get the case.

11. Exit interviews—give clients a satisfaction survey and ask them to fill it out. Slip a \$10 Starbucks gift card into the packet to show your appreciation. **FA**

—JACQUELINE VALDESPINO

If you serve on a board, make it a point to arrive early or stay a little later at your meetings and get to know your fellow board members

year, ranked by fees from high to low. Go through the list and note who sent the high-fee cases—these are your most important referral sources).

Knowing what to say

Now that you have determined who your ideal client is, and you've assembled your most important list of referral sources, you know who to talk to. These are the people you'll focus on when you schedule three marketing activities a week. But what will you say when you get together with these people? Below are just a few of what we call "Strategic Conversations" central to a relationship-based marketing approach. Develop and use these conversations with your best and potential referral sources.

The laser talk: This should be a brief description of who you serve, the problems they have, how you help them with those problems, and what makes you uniquely qualified to do so. You will only use the more formal version of this talk when you are speaking or being introduced in a seminar setting, but you will use the informal version every time you are at a social gathering and someone asks, "What do you do?" One attorney we work with is a pioneer in the collaborative law movement. He introduces himself as a "recovering litigator who practices family law." In response to the questions this inspires, he'll go on to say he "has decided that the financial and emotional toll exacted by taking clients to trial isn't worth it. So he

practices with a new approach called collaborative law." People are usually intrigued by what he says and ask him more questions, which lead to interesting conversations. This "brands" him in their minds and distinguishes him from other divorce attorneys. It is your job to distinguish or brand yourself in some fashion. Make this an objective of your marketing campaign.

Ask questions: Get to know your referral sources, as people—and better yet, potential friends. Spend time with them—especially your Top 20, but also with new potential referral sources, getting to know them and deepening your rapport with them. Relationships are built through conversation. When at a loss for words, ask the person questions about his or her life, work, family, background. Do 70 percent of the listening and 30 percent of the talking. The person will come away thinking you are a great conversationalist. Studies show that it can take anywhere from one to seven conversations with potential influencers to earn their trust and get their business. Here's a tip: Ask each new client who comes in to enter the names of his or her financial team on your intake form—CPA, tax attorney, stockbroker, financial planner, etc. These are all good potential referral sources. Use the opportunity to connect with them, to get to know them, and perhaps to build a referral relationship with them. Think of all of your other experts in the same way and add an element of marketing to everyday business conversations. Find

out about the person behind the expertise.

Knowing how and when

Next, let's look at the "How and When" part of your marketing campaign. These are the events, meetings, and activities that provide the backdrop for building your referral relationships. This is the setting for those three marketing contacts a week. Of all attorneys, family law practitioners are the most stressed due to the crisis-driven nature of their practices. You don't have a lot of extra time to spend with your own families and are too exhausted to take on much in the way of large marketing initiatives. Keeping this in mind, we suggest you design the "How and When" part of your marketing campaign around your passions, interests, and hobbies. You'll be more likely to follow through with the activities that you find fun, interesting, or otherwise compelling. Below are a few ideas.

Food and marketing: Breakfast, lunch, and dinner. Everyone has to eat, and if you have a favorite type of food or restaurant, by all means, use it in your marketing efforts. As mentioned before, lunch is the most popular marketing venue for most of our family law attorney clients because it doesn't intrude upon their evenings and weekends. If lunch is all you can manage, great. Many attorneys have marketed themselves very successfully with lunch as their favorite setting. If you do have extra time in the evenings and enjoy cooking and entertaining in

Do 70 percent of the listening and 30 percent of the talking. The person will come away thinking you are a great conversationalist

your home, showcase your talents and invite referral sources to join you on a monthly basis. The idea is to incorporate food into your marketing efforts so that you'll look forward to the experience in a positive way.

Sports and marketing: If you love to golf, but never have the time, make it the theme of your marketing campaign. Block off several hours on a weekly or monthly basis to play a round of golf. Make it a point to invite current or potential referral sources to join you. One firm of golf fanatics we've worked with started a tournament entitled, "The Barrister's Cup." Another attorney plays tennis in spite of her busy schedule and has

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developed relationships with a wide variety of other women in town she'd otherwise never have met. So, if you play tennis, like to fish, sail or ski, no matter what your sport—there is a way to use it in your marketing campaign. Invite referral sources to participate with you, or give them tickets or gift certificates to go on their own with a friend or relative. One attorney we know buys tickets for basketball games and gives them to referral sources saying something like, "John,

here's two tickets to the basketball game. I know you and your daughter don't get to spend a lot of time together and you both love basketball. Have a good time on me." Giving tickets is a great way to score marketing points without actually having to take time to attend the event.

Community involvement and marketing: There are lots of ways to combine your community involvement with marketing. Your participation in charities, community fundraisers and historical societies allows you access to other professionals, executives, and their spouses who may one day need your services. If you serve on a board, make it a point to arrive early or stay a little later at your meetings and get to know your fellow board members. Invite fellow board members out to lunch as part of your marketing campaign. Sponsoring a table at the yearly fundraiser often provides a great opportunity to invite other referral sources for a night out. In fact, any fundraising you get involved in gives you a wonderful excuse to call people you ordinarily would not contact and is great for meeting new potential clients and referral sources.

Speaking engagements and marketing: If you are someone who excels at public speaking, make this the foundation of your marketing campaign. You can speak alone, which is the perfect way to demonstrate your expertise; team up with a CPA for a seminar ("Forensic Accounting and Divorce"); or partner with a marriage counselor ("The Impact of Divorce

on Children"). Offer to make an appearance at a church function. If you love to speak in front of groups, this is a great way to build credibility and increase your visibility in your community.

Knowledge and commitment

Once you figure out who your ideal client is, determine who your best referral sources are and use strategic conversational approaches to build relationships with them, you'll know who to talk to, what to say, and how and when to say it. If this knowledge is supported by a strong commitment to practice the 5 Rainmaking Habits on a weekly basis, you'll set yourself up for marketing success. Marketing is a numbers game and the more marketing activities you engage in, the more successful you will be. Like compound interest in a savings account, you'll be surprised at how these small investments of time will add up to a substantial payoff in a steady stream of new clients, additional revenues, and keeping the panic at bay. **FA**



Mark Powers (at left) is President of Atticus. Shawn McNalis is an Atticus Senior Practice Advisor. Mark and Shawn coauthored the book,

The Making of a Rainmaker, and Mark founded Atticus Rainmakers™, which helps family law attorneys stay focused on marketing, generate new ideas, and create ongoing accountability with marketing. Find out more at www.atticusonline.com.