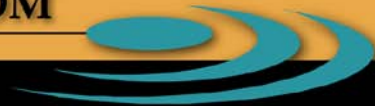


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The Ethics of Marketing your Law Practice: The Rules Related to Marketing in California



by

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Part I – Ethical Marketing in California

The Four Pillars of Marketing (sm)

This presentation will discuss ethical marketing strategies for lawyers in California in four key areas we refer to as “The Four Pillars of Marketingsm”. Under each of the following Pillars, you can see the specific rules we will be discussing:



- I. **Retain and Grow Relationships with your Existing Clients and Contacts**
 - a. **Rule 3-110** Failing to Act Competently
 - b. **Rule 1-320(B)** Financial Arrangements with Non-Lawyers

- II. **Attract New Clients and Develop New Business**
 - a. **Rule 3-310** Avoiding the Representation of Adverse Interests
 - b. **Rule 3-700** Termination of Employment
 - c. **Rule 1-400(B) and (C)** Advertising and Solicitation

- III. **Increase Name Recognition and Awareness**
 - a. **Rule 1-320(C)** Financial Arrangements with Non-Lawyers
 - b. **Rule 5-120** Trial Publicity
 - c. **Rule 1-600** Legal Service Programs

- IV. **Create Targeted and Effective Communications**
 - a. **Rule 3-500** Communication
 - b. **Rule 1-400(A) and (D)** Advertising and Solicitation

Pillar I. Retaining and Growing Relationships with Existing Clients

Rule 3-110 Failing to Act Competently

(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service. . . .

Tips:

- Attend CLE presentations in your primary areas of practice to continue building your level of competence.
- Select a mentor in your firm or community with a similar practice and learn from that person by calling him or her when presented with a complex set of legal facts.
- Learn to be selective about the clients you attract. Only open files for clients you know you can competently represent.
- Take a moment to note what your best clients have in common (traits, characteristics, type of individual or company, from whom they were referred). Focus on attracting the highest caliber of clients with legal work that utilizes your highest levels of competence.

- Build strong relationships with others in the legal community who are competent in areas of law other than those you have chosen, and develop mutually beneficial referral relationships.
- Identify a substantive area of law in which you have a high level of competence. Develop an outline for a presentation you could present on the topic. Identify the ideal audience for your presentation and contact the appropriate organization concerning your idea.
- Develop a process for each type of case or matter you work on.
- Ensure all relevant deadlines are noted in your (and your support staff's) tickler system.
- Delegate case management responsibilities to those who support you to ensure you have a backup system in place to prevent missed deadlines.
- Regularly meet with members of your legal team to discuss upcoming deadlines.
- Establish a peer review process in your firm; a check and balance system to proactively manage pending matters.

Rule 1-320(B) Financial Arrangements with Non-Lawyers

(B) A member shall not compensate, give, or promise anything of value to any person or entity for the purpose of recommending or securing employment of the member or the member's law firm by a client, or as a reward for having made a recommendation resulting in employment of the member or the member's law firm by a client. A member's offering of or giving a gift or gratuity to any person or entity having made a recommendation resulting in the employment of the member or the member's law firm shall not of itself violate this rule, provided that the gift or gratuity was not offered or given in consideration of any promise, agreement, or understanding that such a gift or gratuity would be forthcoming or that referrals would be made or encouraged in the future.

Tips:

- Make sure you track who referred your clients to you. If you see the vast majority of your clients come to you from a few CPAs, bankers, consultants, or satisfied clients, focus on developing a strategy to build more relationships with the type of individuals who are referring to you most often.
- Remember to ask satisfied clients to refer you. You just did a great job for a client. However, if you don't ask them to refer you to others it's likely they won't do it. Not because they really weren't impressed with your work - - it just isn't top of mind with them. So you need to remind them and ask them proactively to refer others to you.
- Thank your referral sources. Always remember to personally thank anyone who refers business to you. Let them know how much their referral of you means.
- Make sure you are getting out of your office and meeting with people. People refer business to those they like, trust and respect. In order to develop the type of relationships that result in referrals, you need to genuinely build relationships with those you enjoy being around.
- Let others know you have referred them. Always let someone know when you referred them, even if the referral doesn't turn into business, you get "points" for thinking of the person.
- Know what you want in a client. Be very clear on exactly the type of work for which you are looking and the criteria a client must have for it to be a "good fit" with you and your practice.
- Always make time to meet with a prospective referral source. Good referrals come from solid relationships. Relationships start with meetings. It's likely that well over 90% of your future business will come from referrals. Do your very best to find time to meet with quality people.

Pillar II. Developing New Business

When developing new business, keep in mind the strictures of Rule 3-310 on avoiding representing clients with adverse interests and Rule 3-700 on terminating an client relationship

Rule 3-310 Avoiding the Representation of Adverse Interests

(A) For purposes of this rule:

(1) "Disclosure" means informing the client or former client of the relevant circumstances and of the actual and reasonably foreseeable adverse consequences to the client or former client;

(2) "Informed written consent" means the client's or former client's written agreement to the representation following written disclosure;

(3) "Written" means any writing as defined in Evidence Code section 250.

(B) A member shall not accept or continue representation of a client without providing written disclosure to the client where:

(1) The member has a legal, business, financial, professional, or personal relationship with a party or witness in the same matter; or

(2) The member knows or reasonably should know that:

(a) the member previously had a legal, business, financial, professional, or personal relationship with a party or witness in the same matter; and

(b) the previous relationship would substantially affect the member's representation; or

(3) The member has or had a legal, business, financial, professional, or personal relationship with another person or entity the member knows or reasonably should know would be affected substantially by the resolution of the matter; or

(4) The member has or had a legal, business, financial, or professional interest in the subject matter of the representation.

(C) A member shall not, without the informed written consent of each client:

(1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or

(2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or

(3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter. . . .

(E) A member shall not, without the informed written consent of the client or former client, accept employment adverse to the client or former client where, by reason of the representation of the client or former client, the member has obtained confidential information material to the employment.

Rule 3-700 Termination of Employment

(A) **In General.**

(1) If permission for termination of employment is required by the rules of a tribunal, a member shall not withdraw from employment in a proceeding before that tribunal without its permission.

(2) A member shall not withdraw from employment until the member has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, including giving due notice to the client, allowing time for employment of other counsel. . . .

(B) **Mandatory Withdrawal.** A member representing a client before a tribunal shall withdraw from employment with the permission of the tribunal, if required by its rules, and a member representing a client in other matters shall withdraw from employment, if:

(1) The member knows or should know that the client is bringing an action, conducting a defense, asserting a position in litigation, or taking an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person; or

(2) The member knows or should know that continued employment will result in violation of these rules or of the State Bar Act; or

(3) *The member's mental or physical condition renders it unreasonably difficult to carry out the employment effectively.*

(C) Permissive Withdrawal. *If rule 3-700(B) is not applicable, a member may not request permission to withdraw in matters pending before a tribunal, and may not withdraw in other matters, unless such request or such withdrawal is because:*

(1) *The client*

(a) *insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law, or*

(b) *seeks to pursue an illegal course of conduct, or*

(c) *insists that the member pursue a course of conduct that is illegal or that is prohibited under these rules or the State Bar Act, or*

(d) *by other conduct renders it unreasonably difficult for the member to carry out the employment effectively, or*

(e) *insists, in a matter not pending before a tribunal, that the member engage in conduct that is contrary to the judgment and advice of the member but not prohibited under these rules or the State Bar Act, or*

(f) *breaches an agreement or obligation to the member as to expenses or fees.*

(2) *The continued employment is likely to result in a violation of these rules or of the State Bar Act; or*

(3) *The inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal; or*

(4) *The member's mental or physical condition renders it difficult for the member to carry out the employment effectively; or*

(5) *The client knowingly and freely assents to termination of the employment; or*

(6) *The member believes in good faith, in a proceeding pending before a tribunal, that the tribunal will find the existence of other good cause for withdrawal.*

Tips:

- Identify your A-level target audiences – those prospective clients who best utilize the highest level of your expertise as a lawyer.
- Create three to five statements on why you are THE best lawyer to work with your target audiences - - really focus on what makes you unique as a lawyer.
- Create a list of the top five clients you would like to attract in 2010; clients you are not yet working with but would like to next year
- Plan time to reach out to your top prospective clients. Identify who could introduce you or schedule a follow-up activity if you have already met

Rule 1-400(B) and (C) Advertising and Solicitation

(B) *For purposes of this rule, a "solicitation" means any communication:*

(1) *Concerning the availability for professional employment of a member or a law firm in which a significant motive is pecuniary gain; and*

(2) *Which is;*

(a) *delivered in person or by telephone, or*

(b) *directed by any means to a person known to the sender to be represented by counsel in a matter which is a subject of the communication.*

(C) *A solicitation shall not be made by or on behalf of a member or law firm to a prospective client with whom the member or law firm has no family or prior professional relationship, unless the solicitation is protected from abridgment by the Constitution of the United States or by the Constitution of the State of California. A solicitation to a former or present client in the discharge of a member's or law firm's professional duties is not prohibited.*

Tips:

- Be thankful you cannot cold call or telemarket. We are not selling siding or carpet cleaning services; we are selling sophisticated legal services. There are simply more effective ways for you to attract new business!
- Join at least one association attracting prospective clients or referral sources. Become an active member of the association. Volunteer for at least one committee. Offer to speak to members on substantive legal topics of interest to them. Submit articles for publication in their magazine or newsletter. Build your relationships by attending events and extending yourself to others.
- Practice your networking skills. Remember people refer business to those they like, trust and respect.
- Become a high profile member of your community, offering to serve as a “free” legal resource to those in your network.
- Market your experience by offering substantive programs to the public in the form of seminars. Offer this programming with other professionals marketing to the same group.

Pillar III. Increasing Name Recognition and Awareness

Rules 1-320(C) Financial Arrangements with Non-Lawyers

(C) A member shall not compensate, give, or promise anything of value to any representative of the press, radio, television, or other communication medium in anticipation of or in return for publicity of the member, the law firm, or any other member as such in a news item, but the incidental provision of food or beverage shall not of itself violate this rule.

Rule 5-120 Trial Publicity

(A) A member who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the member knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. . . .

Tips:

- Proactively communicate firm events including the announcement of new partners, new lawyers joining the firm, awards received (like Super Lawyers, Rising Stars, and many others), a merger with another firm, community and board affiliations of lawyers.
- Develop article ideas relevant to a particular audience and actively pitch the story to a publication willing to publish the article. Generally bylined articles begin as an outline which is then presented to the editor with the rationale of why readers of his or her publication need to know the information contained in the article. Only when the article concept has been accepted by the publication should the lawyer actually begin writing.

- Another way to utilize public relations in a law firm is to define a broad issue that has not received adequate attention in the press. If you work with a public relations professional, that person will work with you to define the pitch, develop the concept and contact editors and reporters he/she knows will be interested in the story.
- Reporters are always looking to find objective subject matter experts they can call upon when covering a story. Many times having the reporter talk with you will result in you being quoted (and hopefully the name of your firm too!).

Rule 1-600 Legal Service Programs

You can, and should render public interest legal service, but remember:

(A) A member shall not participate in a nongovernmental program, activity, or organization furnishing, recommending, or paying for legal services, which allows any third person or organization to interfere with the member's independence of professional judgment, or with the client-lawyer relationship, or allows unlicensed persons to practice law, or allows any third person or organization to receive directly or indirectly any part of the consideration paid to the member except as permitted by these rules, or otherwise violates the State Bar Act or these rules. . . .

Tips:

- Volunteering takes time and commitment. So make sure you select an organization that aligns with your personal values. Before you volunteer, consider what is important to you. What issues are you passionate about? What organizations could use your competence and experience?
- Ask lawyers and colleagues in the community for a list of non-profit or charitable organizations in areas you would like to volunteer.
- Talk to your state Bar Association. Nearly all Bar Associations offer pro bono opportunities in the form of public outreach programs.
- Identify which organizations mesh with your interests and begin investigating the process of becoming a board member. Contact the executive director of the organization(s) and ask about board nomination or the volunteer process. If in doubt, always begin by volunteering for the organization; and then as you build relationships, volunteer to serve on the board.
- Attend all meetings sponsored by the organization and use your pro bono work to refine your skills in the areas of competence, diligence, communication and serving as an advisor to the organization.
- Go to Board Source, www.boardsource.org, formerly the National Center for Nonprofit Boards, for practical information, tools and best practices, training, and leadership development for board members of nonprofit organizations.

Pillar IV. Targeted and Effective Communications

Rule 3-500 Communication

A member shall keep a client reasonably informed about significant developments relating to the employment or representation, including promptly complying with reasonable requests for information and copies of significant documents when necessary to keep the client so informed.

Tips:

- Set communication expectations up front with your clients. Find out how your client prefers to be communicated with (via telephone, e-mail or letter) and consistently follow through.
- Show clients you are on top of their matter. Regularly (each week or month, depending upon the size and duration of the matter) send a brief email or written communication summarizing highlights, next steps, action items, and pending activities.
- Return your telephone calls within four hours. If you cannot return the calls, make sure someone in your office returns the calls on your behalf.
- Reply promptly (same day) to emails you receive from your clients.
- It is okay to let clients know there is nothing new to report. It is better to do this than not return a phone call.
- Call a client for whom you have recently completed a transaction or case just to see how well his or her expectations were met.
- Ensure your support staff has the opportunity to meet your clients. The more your assistant and paralegals can step in to help you communicate, the more likely your clients will feel taken care of.

Rule 1-400(A) and (D) Advertising and Solicitation

(A) For purposes of this rule, "communication" means any message or offer made by or on behalf of a member concerning the availability for professional employment of a member or a law firm directed to any former, present, or prospective client, including but not limited to the following:

- (1) Any use of firm name, trade name, fictitious name, or other professional designation of such member or law firm; or*
- (2) Any stationery, letterhead, business card, sign, brochure, or other comparable written material describing such member, law firm, or lawyers; or*
- (3) Any advertisement (regardless of medium) of such member or law firm directed to the general public or any substantial portion thereof; or*
- (4) Any unsolicited correspondence from a member or law firm directed to any person or entity.*

(D) A communication or a solicitation (as defined herein) shall not:

- (1) Contain any untrue statement; or*
- (2) Contain any matter, or present or arrange any matter in a manner or format which is false, deceptive, or which tends to confuse, deceive, or mislead the public; or*
- (3) Omit to state any fact necessary to make the statements made, in the light of circumstances under which they are made, not misleading to the public; or*
- (4) Fail to indicate clearly, expressly, or by context, that it is a communication or solicitation, as the case may be; or*
- (5) Be transmitted in any manner which involves intrusion, coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.*
- (6) State that a member is a "certified specialist" unless the member holds a current certificate as a specialist issued by the California Board of Legal Specialization pursuant to a plan for specialization approved by the Supreme Court.*

Tips:

- How do your competitors market? Are you advertising simply because everyone else is doing it?
- On your file opening and new matter reports, find out how clients heard of you and your firm. If advertising is in the top five responses, it is likely delivering a return on your investment; if not, look for other creative ways to reach your prospective clients (such as publishing articles and making presentations).
- What unique messages are you using to advertise your firm? If they sound like everyone else's messages, you need to focus on why clients hire you and your firm, and let those messages be reflected in your advertising.
- Consider other methods for building your name recognition, including tapping into the "free" coverage associated with writing bylined articles or being interviewed. Public relations is simply more credible and cost-effective than advertising because it carries with it the third party endorsement of the media outlet you are featured in.
- Do not imply results generated for a client can likely be generated for another.
- Do not compare your services to those of your peers and colleagues in other firms.
- Do not cite fees in your communications or advertising.
- Focus on other communication strategies to build your name recognition (beyond advertising) like speaking to community and business groups, and publishing articles in publications read by current and prospective clients.
- Regularly review and update your biography. Enlist your assistant to automatically add speaking engagements, published articles, and new professional affiliations to your professional biography.
- Develop as many substantive examples of representative experience as you can and add them to your biography. Use them in your website, proposals, or to give to prospective clients and referral sources. Include:
 - The Client's Industry.
 - The Client's Situation (the problem).
 - Your Approach (the solution).
 - The Results Achieved.

Part II - Develop an Ethical Marketing Plan: A Tool for California Lawyers

Identify Your Best Contacts

Current Clients

Create a list of your top ten current clients; those with whom you could do more work in 2011

Prospective Clients

Create a list of the top ten clients you would like to attract in 2011; clients you are not yet working with but would like to

Referral Sources

Create a list of your top ten referral sources - - those you would like to continue building a relationship with

Current Clients	Prospective Clients	Referral Sources
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.

ETHICS TIPS:

- **Rule 3-110: Only pursue clients and additional work for current clients that you know you can do competently**
- **Rule 1-320(B): you cannot compensate or promise anything of value to your referral sources**
- **Rule 3-310: When pursuing new clients, be sure they do not have interests adverse to your current or former clients unless you obtain consent**

Create your Audiences, Messages and Marketing Objectives

Client Criteria and Target Audiences

Identify your A-level target audiences – those prospective clients who best utilize the highest level of your expertise as a lawyer.

A-Level Client Criteria

If you were to tell a referral source what type of client to refer to you, how would you define your A-level client criteria?

Industry: _____

Type of company or individual: _____

Number of Employees: _____

Job or position: _____

Type of Legal Issue: _____

Referred by someone you trust? Yes _____ No _____

Would you refer this person/company? Yes _____ No _____

Do you like, trust, and respect this person? Yes _____ No _____

Do they have realistic expectations? Yes _____ No _____

Are they responsive/easy to work with? Yes _____ No _____

Will they accept advice (or resist it)? Yes _____ No _____

Do they see the value you bring as an attorney? Yes _____ No _____

Other criteria:

Define Your A-Level Target Audiences

Individuals: _____

Industries: _____

Companies: _____

Other: _____

Key Messages

Create three to five statements on why you are THE best lawyer to work with your target audiences - - really focus on what makes you unique as a lawyer.

Describe What Makes you Unique

What makes you unique? _____

Why should an individual work with you? _____

What do your clients value most about you? _____

What makes you a better choice than other attorneys? _____

What are the highest level skills you bring to your clients? _____

What unique skills do you offer clients in this economy? _____

Other key "Hire Me"

Messages: _____

Key messages on what makes you unique as a lawyer and why clients should hire you:

1. _____

2. _____

3. _____

4. _____

5. _____

Marketing Objectives

Identify your specific objectives for 2011 in the categories of:

I. Retaining and Growing Relationships with Current Clients and Contacts

Client Service: _____

Client Satisfaction: _____

Cross Marketing: _____

Referral Source Development: _____

II. Attracting New Business

Networking: _____

New Business
Development: _____

Proposal Development: _____

Market Research: _____

Trade and Professional Association Involvement: _____

III. Increasing Your Name Recognition in the Marketplace

Advertising: _____

Branding: _____

Public Relations: _____

Trade Shows: _____

Community Involvement: _____

Social Networking: _____

IV. Pursuing Targeted and Effective Communications

TOTAL Projected Revenue	\$	\$	\$	

- Subtract total Projected Revenue

Real 2011 New Business Development Goal \$ _____

Other Revenue Goal Comments:

Develop your Marketing Action Plan

Your marketing action plan will be organized around the Four Pillars of Marketing (sm)

Your Retain and Grow Relationships Action Plan

Identify five activities you will do in support of the objectives you created on page 14:

1. _____
2. _____
3. _____
4. _____
5. _____

When in Doubt, Ask Your Clients

Select Clients to Interview:

1. _____
2. _____
3. _____
4. _____
5. _____

Develop your Questions:

- What are the biggest legal concerns you have for 2011 - - What keeps you awake at night?
- What publications do you read on a regular basis?
- What do you value most about working with me as your lawyer?
- With whom do I compete to earn your business?
- Where do you see your business in five years?
- What groups are you active in (industry, social, professional, community, athletic, etc.)?
- Based on past experience, what frustrates you most about working with lawyers?
- How can I (and my team) better meet your needs?

- What are the five most important traits and characteristics your lawyer needs to have?
- How well do I perform in each of these areas?
- Knowing what you do about me and my practice, would you refer me to your contacts?

Make your Services “Must Have” with Clients

Identify the services you offer that are most important to clients in this economy. Click here to review our [Blog Post on this topic](#):

1. _____
2. _____
3. _____
4. _____
5. _____

ETHICS TIP:

- **Rule 3-110: You must act competently and diligently in serving your current clients if you hope to retain and grow your relationships. Remember the basics of client service like meeting deadlines, keeping up-to-date on legal issues in your field, and being responsive.**
- **Rule 3-500: Keep your clients informed of developments and reply promptly to requests for information. Clients feel better about their representation when they are kept informed.**

Your New Business Development Action Plan

Identify five activities you will do in support of the objectives you created on page 14.

1. _____
2. _____
3. _____
4. _____
5. _____

Create your Elevator Speech

- Summarize in one simple sentence what you do or what services you provide
- Give an example of the value you deliver to your clients
- Describe the benefits that your firm/you provide; List the features that set you apart from your competition
- Identify what makes you unique in one sentence
- What do your clients appreciate most about working with you?
- Give an example of a successful outcome from serving a past or current client

Combine responses for an introduction which focuses on the value and results you generate for your clients!

Do Your Research

Pick a prospective client or referral source and research them using www.WarmCallCenter.com:

Client Name: _____
Industry Information: _____
Company Information: _____
Individual Information: _____

Join a Group and Be Active

To what trade, professional, social, business, or other organizations do you currently belong?

Organization Name	Your Role	Opportunities for Involvement

What groups serve your current clients, prospective clients, and referral sources? Join and regularly attend meetings (see your client interview responses on page 16 above)?

Organization Name	Industries and Clients Served	Opportunities for Involvement

ETHICS TIP:

- Rule 1-400(B) and (C): Remember that you cannot solicit prospective clients with whom you do not have a familial or past professional relationship, either in person or by phone. Focus on networking, building relationships, and being an active member of an organization. Remember, people like to do business with and refer people to lawyers whom they already know, trust, and respect.**

Your Increase Name Recognition Action Plan

Identify five activities you will do in support of the objectives you created on page 14.

1. _____
2. _____
3. _____
4. _____
5. _____

Stay Involved in Your Community

Take a look at your current volunteer efforts and rate yourself in the following areas. Give yourself a letter grade, A-D (A= weekly B=monthly C=quarterly D=annually). How often do you:

- _____ Provide services to those less fortunate
- _____ Sponsor an event in the community
- _____ Serve on a non-profit board and regularly attend meetings
- _____ Volunteer in the community
- _____ Contribute legally to an organization you support

Volunteering Resources

[Board Source](#) – Formerly the National Center for Nonprofit Boards, this is the premier resource for practical information, tools and best practices, training, and leadership development for board members of nonprofit organizations worldwide.

Access a national database to help you find a wide variety of charitable organizations and IRS-recognized non-profits:

[GuideStar](#) – trusted information on non-profits

[Charity Navigator](#) - America's premier independent charity evaluator, works to advance a more efficient and responsive philanthropic marketplace by evaluating the legal health of over 5,400 of America's largest charities

Use a national volunteer clearinghouse to help you find specific ways to get involved in your local community – from volunteering and donating money, to getting involved with the issues they care about.

[Network for Good](#) – Online donation site

[Volunteer Match](#) – Find a place to volunteer

[Volunteer Solutions](#) – sponsored by United Way

[1-800-Volunteer](#) – a service of the Points of Light Foundation

[Federal Government volunteer opportunities](#) – this site lists volunteer opportunities at national parks, forests, and monuments

Notes:

Take the Plunge into Social Networking

Check the social networking activities you currently participate in (select all that apply):

- _____ LinkedIn
- _____ Facebook
- _____ Twitter
- _____ I Publish a Blog
- _____ I read others' Blogs
- _____ I participate in Social Networking groups (on LinkedIn)
- _____ I use Google Alerts
- _____ Other: _____

Other social networking resources:

Link: [Social Networking Sites on Wikipedia](#)

Book: [The New Rules of Marketing and PR](#), November 2008, David Meerman Scott

Book: [World Wide Rave](#), March 2009, David Meerman Scott

Book: [Social Media Marketing: An Hour a Day](#), October 2008, Dave Evans and Susan Bratton

www.Delicious.com – Social bookmarking site

[10 Ways to Use LinkedIn](#), Guy Kawasaki,

www.Ping.fm – Social media communicator to multiple sites

www.socialloomph.com – Preplan your Tweets

www.Wordpress.com – blog spot

www.Typepad.com – blog spot

Focus on the Media, Not on Advertising

Four concepts for attorneys to keep in mind:

1. Keep members of the media current on happenings at your firm (through regular news releases)
2. Talk to editors and reporters about being a knowledgeable source they can consult when covering stories involving your highest-level expertise
3. Develop a timely and relevant story angle and “pitch” editors and reporters to interview you
4. Identify specific ideas for articles you believe their readers, viewers or listeners need to know, contact the editors, and tell them why you are the best professional to write an article or to be interviewed on the given topic.

Identify topics of interest to your clients and your approach to the issue:

Subject/Topic	Your Messages about the Topic	Potential Publications to Target

ETHICS TIPS:

- **Rule 1-320(C):** When pursuing a media relations plan, remember that you cannot compensate members of the press in return for publicity. Focus instead on serving as a resource and providing relevant and informative stories.
- **Rule 5-120:** You cannot make extrajudicial statements concerning an investigation or litigation in which you are involved that might materially prejudice the proceeding.
- **Rule 1-600:** Serving as a legal volunteer or board member is important, but remember not to serve with any organization that interferes with your professional judgment or the client-lawyer relationship.
- **Rule 1-400:** Remember that statements made online on sites like Facebook and LinkedIn must comply with the relevant advertising and solicitation rules.

Your Targeted Communications Action Plan

Identify five activities you will do in support of the objectives you created on page 14/15.

1. _____
2. _____
3. _____
4. _____
5. _____

Update your Professional Biography

When did you last update your biography? ___ last week _____ last month _____ last year _____LONG time ago

Does your biography include organizations in which you are active? _____ Yes _____ No

Does your biography include examples of the work you do for your clients and the results you help them achieve? If not, create and post some well written pieces of Representative Experience:

Create Your Representative Experience

Clients want to see that you have done what they need. Don't just create a bulleted list of services; show your clients the results you deliver by creating pieces of representative experience in the following format:

Client Type:
 Client Goals:
 Your Approach:
 The Result:

Client Type:
 Client Goals:
 Your Approach:
 The Result:

Client Type:
 Client Goals:
 Your Approach:
 The Result:

Client Type:
 Client Goals:
 Your Approach:
 The Result:

Continue Communicating with Your Clients

Identify timely, relevant topics affecting your clients (see responses to your client interviews):

Now, summarize the impact of that topic on your clients and send it to them in the form of a personal email. Repeat on a quarterly basis.

How Is Your Website?

As you consider the effectiveness of your website, ask yourself the following questions:

- What year was your website originally launched?
- How many major enhancements have you made to your site since its launch?
- How often do you add content to your site?
- On a scale of 1-10 (10 highest) how visually appealing is your website?
- On a scale of 1-10 (10 highest) how dynamic is your website (versus static and unchanging)?
- As an objective visitor, what letter grade would you give your current website based on those of your competitors?
- Do you use web-tracking analytics software like WebTrends or Google to analyze traffic to your site each month?
- How do you drive traffic to your website? What are your ongoing plans to promote your website?
- When you do a Google search, where do you (and your firm) show up on Google and other major search engines?

ETHICS TIPS:

- **Rule 1-400: Client communications must indicate clearly that they are a communication or solicitation and must be truthful. Your website, brochures and newsletters must all comply with Rule 1-400.**
- **Rule 1-400 “Standards”:** Pursuant to Rule 1-400(E), California has adopted 16 standards relating to communications which presumptively violate Rule 1-400. Examples of communications that violate these standards include: guaranteeing an outcome, using a fictitious firm name, and communicating or soliciting at the scene of an accident.

Create Your Current Client Action Plan

Review the current client contacts you identified on page 13, and plan one follow up activity per contact; set a date for when you will follow up with each person and what your message will be.

Current Client Name	Activity	Completion Date	Message

Speaker Biography: Terrie Wheeler



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Terrie S. Wheeler, MBC, serves as Director of Coaching for Ingenuity Marketing Group, LLC, in Saint Paul, MN. In January 2011 Terrie merged her 15-year consulting practice into Ingenuity Marketing Group to focus on what she does best: providing personal marketing coaching services to clients in numerous professional services industries.

Legal Industry Marketer - Terrie's career began as a law firm marketing director for three Minnesota law firms (Larkin Hoffman Daly & Lindgren; Maslon Edelman Borman & Brand; and, Popham Haik Schnobrich & Kaufman), where she strategically assisted law firms, regional offices, practice groups, industry groups, and individual attorneys to pursue highly targeted, and results-oriented marketing activities. Terrie spent two years as an investigator and on the screening committee of the Hennepin County Bar Association's Fourth District Ethics Committee, and served as Chair of the Minnesota State Bar Association's Marketing and Client Service Section.

Founder of PSM, Inc. - In 1996 Terrie founded Professional Services Marketing, Inc. (PSM), a firm delivering outsourced marketing and coaching services to professional services firms. For fifteen years, PSM and its team of over twenty professionals served clients in the legal, accounting, banking, education and other services industries. Personally, Terrie coached scores of lawyers, CPAs, bankers, financial advisors, and many other professionals on how to create lucrative and rewarding practices.

Creator of Web-Based Marketing Coaching Tools - In 2007, Terrie launched an innovative web-based marketing coaching tool for lawyers in the US and the UK – www.MarketYourLawPractice.com (MYLP) and www.MarketYourLawPractice.co.uk (MYLP.co.uk). In addition, Terrie launched www.MarketYourAdvisoryPractice.com for financial advisors. Terrie's websites replicate the marketing coaching process Terrie has refined over 20 years.

Law School Educator - In January 2011, Terrie was asked to participate as a faculty member for an accredited course offered at Hamline Law School, *The Business of Lawyering*. Terrie will be presenting all content related to marketing and new business development to third year law students going into private practice. Terrie is also working with the University of St. Thomas School of Law on various programs designed to educate lawyers on ethical marketing strategies.

Involved Community Member - Terrie currently serves on the board of directors for [The Family Tree Clinic](#) in Saint Paul, MN, and on the advisory board for Bloomington, MN-based [Experienced Resources, LLC](#). In the past, Terrie has volunteered her time as a board member for various organizations including [Tradition Capital Bank](#), [Camp Courage](#), and [Family Pathways](#).

Education - Terrie is a *summa cum laude* graduate of the University of St. Thomas' Graduate School of Business (MBC), and a *magna cum laude* graduate of Concordia University in St. Paul

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