

Finding and keeping ideal clients



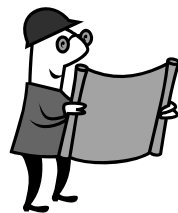
Dan Pinnington,
Director, practicePRO,
LAWPRO

Agenda

- Marketing and sales
- Client communications
- Claims types
- Difficult clients
- Avoiding fraudsters



Building a marketing plan



Developing a Marketing Plan

- Marketing is an everyday job for everyone in your office
- It is hard work
- You don't get instant results
- Good marketing will bring new clients in
- Don't forget to market to you existing clients



Marketing at large law firms

- Complex issue with marketing committees and marketing budgets
- Different levels: firm, practice area and individual attorney
- For an excellent outline of the steps necessary to create detailed marketing plan for a large firm, see
 - *The Attorney's Guide to Marketing Your Practice, Second Edition*, edited by James A. Durham and Deborah McMurray, published by ABA LPM



A sample six month marketing plan for an individual

- It is as much about making a time commitment as a financial one
- This plan should fit in nicely with any existing firm plan
- Must spend time each month developing potential sources of business
- Prepare written goals for yourself
- Individual marketing plans need not be lengthy or complex



Each week:



- Take at least a person who has referred work to you or a potential client to lunch
- Send a letter of appreciation to every client when a file is closed
 - include an outline of other practice areas and a client satisfaction survey
- Call an existing client and ask: “how am I doing?”
- On Friday review and record all of marketing efforts that week to see how you are doing
- Send a thank you note to someone who did something nice or beyond the call of duty for me

Each Month:



- Attend at least one civic, church or community meeting
- Try to meet at least five new people
- Make a telephone call to an old friend you haven't talked to in a while and just chat
- Send someone that you know who received some good press, a copy of the newspaper article with a congratulatory note
- I will attend my county bar monthly meeting and sit with some attorneys that I do not know

During the next four months

- Schedule a public speaking engagement or seminar
- Read a book on marketing or law practice management
- Schedule a time for myself to review the last four months marketing efforts.
- Host a small dinner party for some people that we don't often see
- Spend some time touring a client's place of business at no charge to the client
- Present at a CLE program or do some other volunteer work for my local bar association



At the end of six months



- Sit down and review everything I have done and recorded during the last six months
- Note areas of success or failure,
- Identify new ideas for marketing
- Revise old six month marketing plan into a new six month marketing plan

The keys to success

- You must have a written plan, formulated after some thought and reflection, with target dates for completion of the various goals and projects.
- Your law firm marketing plan should reflect your individual strengths and your unique situation



Marketing vs. sales

Marketing	Sales
<ul style="list-style-type: none">• Brochures• Branding• Sponsorships• Advertising• Donations• Seminars• Events• Promotional items• New Media	<ul style="list-style-type: none">• Identify and target an initial contact• Meeting the prospects• Networking• Follow-up on commitments• Closing deals• <i>Guerilla warfare</i> – one sale at a time

Phonebook adverts

- They are still important
- Remember that these end up on CD-ROMS and Web sites
- *Effective Yellow Pages Advertising for Lawyers: The Complete Guide to Creating Winning Ads*, Kerry Randall, published by ABA LPM



Prepare an elevator speech

- Not a direct sales pitch
- Include introduction, showcase what you do
- 30-60 seconds
- Practice, hone and focus it
- Memorize it



“I am a family law lawyer”

VS...

“My name is Courtney Filer. I am a senior partner at Start Over and Associates law firm. I am certified by the Law Society of Upper Canada as a specialist in family law. I try to protect my client’s legal and property rights when their marriage breaks down; and I help them deal with the many issues that you typically find when marriages or relationships fail.”

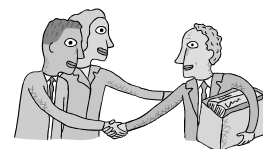
Just say “thank you”

- Do you ask new clients how they found you?
- Call or send a note of thanks to source of that client



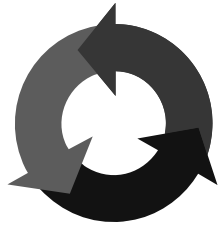
What goes around comes around

- Use your client’s goods and services
 - Don’t ask for discount!
- Introduce clients to one another
- Send referrals to them



Client Relationship Life Cycle

- Awareness
- Knowledge
- Consideration
- Selection
- Satisfaction
- Loyalty
- Advocacy



Highest value to clients is in:

- Reputation and CYA issues
- Access to and application of scarce information
 - “Market” and “industry” information and access
 - Application of experience in business, specific industry or forum context
 - Government insider information/access
- Rocket science in applied context—innovative solutions

Control client expectations

- Process and procedures
- Timing
- Outcome
- Costs
 - Fees
 - Disbursements



What clients think and want when it comes to fees*

- Transparency
- Predictability
- Flexibility
- Competitive rates
- Risk sharing
- Added value
- Innovative sourcing
- Alignment
- Client comfort
- Collaboration

*From Richard Susskind
2009 CBA Managing
Partner Conference

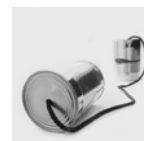
Don't do any of the 7 things that most annoy clients

- Not returning phone calls
- Not replying to e-mail messages
- Making clients wait in reception
- Long periods of apparent inactivity
- Not delivering on promises of performance
- Not delivering on a promised outcome
- Surprise them with a huge account



Use the correct mode of communication

- Email is not suitable for all communications
- Hierarchy:
 - Face-to-face; phone; email
- Call or meet with client if news is big or bad



How to handle incoming calls

- Do you know how callers to your office are greeted?
- If calls go through receptionist:
 - give caller option of leaving traditional message or voice mail message
- To screen or not to screen?
- The direct dial option and call display



Avoiding voicemail frustrations

- Give callers the option to leave a traditional message
- Be careful with call screening
- Do your calls really need to go through a receptionist?
- Would call display help you?



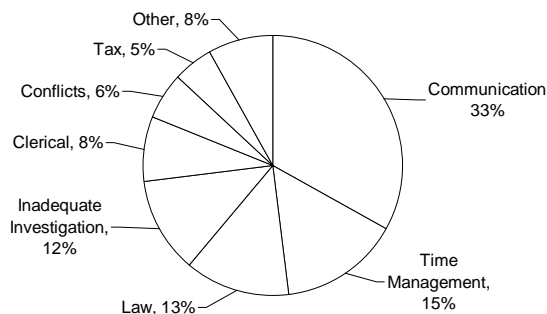
Your voicemail message should...

- Be updated on a daily basis, including details of your schedule
- Indicate when you expect to be back in the office
- Give callers an option to transfer to a live person if they need immediate assistance
- Encourage the caller to leave a detailed message
- State your policy with respect to how quickly vm messages will be returned

When you leave a message...

- Leave a detailed message: give the info you want to pass on or ask questions you want answered
- State the date and time of your call
- Indicate if there are specific times when you will be available for a return call
- Clearly and slowly state your phone # (most say it too quickly)

Claims count (%) by description of loss (error type)



Communications errors



- Failure to follow client's instructions
 - Work promised, but not done
 - Often he said, she said...
- Failure to obtain consent/inform client
 - Work done without instructions
 - Implications of decisions/actions
- Poor communication with client
 - Who looks after what

The 2/3 Rule

All your clients/matters should do at least two of these three things:

- Interesting and challenging matters
- People you enjoy
- Pay you

2/3

Dealing with the Difficult Client



- Why Should the Lawyer be Concerned about the Difficult Client?
- The Basic Three Steps of your Involvement with the Difficult Client
- Categories of Difficult Client

Why is the Difficult Client a concern?

They are more likely to do three things that distress lawyers most:

- Not pay
- File a complaint
- Sue for negligence



The basic three steps of your involvement with the difficult client

1. Whether or not to act for the difficult client
2. How to deal with the difficult client during retainer
3. Ending your relationship with the difficult client

Whether or not to act for the difficult client

- Some questions to ask early in your contact with the client
 - Am I the first lawyer dealing with this particular problem for you?
 - How many lawyers have you consulted or retained about this problem?
 - Why did you leave your previous lawyer(s)?
 - Who are your previous lawyer(s)?
 - Can I talk to your previous lawyer(s)?
 - What stage is this problem at? (particularly if the problem is litigation)
 - What are your expectations about the resolution of this problem?

How to deal with the difficult client during the retainer

- Understand your role
- Protect yourself throughout
- Be calm, be patient, be clear
- Include your staff in the plan for the client
- The lawyer's job in managing expectations

The Angry/Hostile Client



Recognizing the angry/hostile client

- Is unhappy before they retain a lawyer, and will continue to be unhappy.
- Cannot get at the person making them unhappy, and so take it out on the lawyer.

Handling the angry/hostile client

- Be clear with the client about what level of anger is acceptable for you (if any).
- Be clear about the treatment of your staff.
- If you tolerate the client's outbursts, they will continue and likely increase.



The vengeful/on a mission client

Recognizing the vengeful client

- Has come to you to accomplish a specific purpose, and will be focused on this purpose and quite tenacious.
- Strong personal sense of justice (or injustice).
- Looking for a lawyer to share the belief that they have been wronged.

Handling the vengeful client

- Be cautious in even agreeing to act for this client.
- Much of what the client requests may be problematic or inappropriate, so reduce to writing all instructions given (from both sides).
- Client may not be willing to pay to satisfy their definition of 'justice', so bill regularly and frequently.



The over involved/obsessive client

Recognizing the obsessive client

- May focus all their energies on their case, to the exclusion of all else.
- Want to see and read everything possible about their case.
- May provide copious written material to the lawyer and expect it to be read.

Handling the obsessive client

- Ensure they get copies of everything possible regarding their legal matter.
- If unreasonable amount of material is provided, suggest you can only devote a fixed amount of time to reading or will only read a fixed percentage – so client must identify what is essential.
- Remind the client that you charge for time taken to organize material.
- Bill regularly so they have a realistic idea of the cost of their matter.



The Dependant Client

Recognizing the dependant client

- Unwilling to take responsibility for their own lives and their own decisions.
- Will steadfastly refuse to make a decision, insisting that the lawyer do it.
- If the results of the decision do not please the client, the lawyer will be blamed.

Handling the dependant client

- Encourage the client to involve a trusted advisor (other than the lawyer) in the process.
- Reduce dealings with client to writing so your recommendations can be considered in an unhurried atmosphere.
- Confirm the client's instructions in writing.



Secretive/Deceitful/Dishonest



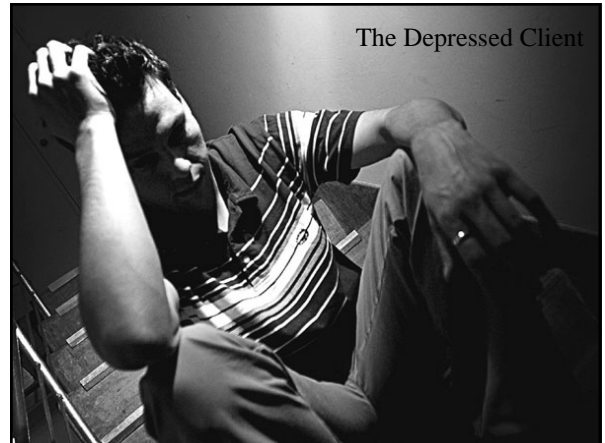
Recognizing the secretive/deceitful/dishonest client

- Client may only exhibit one aspect of the behaviour, or move through the various phases.
- Lawyer may not identify this behaviour until it has moved into the dishonest phase.
- Client may simply not understand the importance of openness, or may have something to hide.

Handling the secretive/deceitful/dishonest client

- Don't let client's inclination to secrecy prevent you from asking all questions needed to properly do the work.
- Be careful being involved in circumstances where you aren't confident the client is telling you everything you need to know.
- If a client has been deceitful or dishonest, this is a good reason to end the retainer.

The Depressed Client

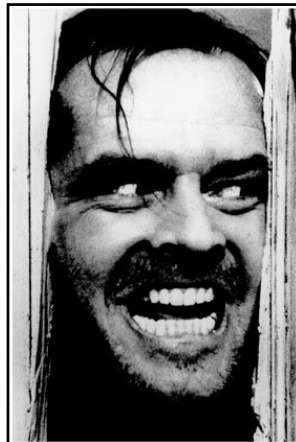


Recognizing the depressed client

- Clinical depression as opposed to merely sad
- Can lead to an inability to perform even the most normal of tasks
- May not be able to engage in the legal process sufficiently to properly instruct their lawyer. Especially problematic when dealing with litigation deadlines

Handling the depressed client

- Try to get the client some professional help, though this is ultimately not the lawyer's job.
- If client will not get help, then carefully document all advice in writing and ask for clear instructions in writing.
- If client will not give instructions, advise client you will close the file in 30 days absent specific instructions. Be sure to be specific about the consequences to the client (if any).



Mentally Ill

Recognizing the mentally ill client

- Do not confuse mental illness with the ability to instruct counsel.
- Client may be unpredictable and change instructions often.

Handling the mentally ill client

- Be satisfied that the client is capable of instructing counsel.
- Confirm all instructions in writing and ensure the instructions are fresh and still valid before acting on them.



The Difficult Client With A Difficult Case

Recognizing the difficult client with a difficult case

- totally unrealistic expectations about outcome of case, as well as costs, length of time, its importance and the service a lawyer can provide.

Handling the difficult client with a difficult case

- Client needs to hear, from the outset, what the likely outcome will be (and may need to hear it repeatedly).
- Always advisable to put bad news in writing.



The client who is unwilling to accept/follow/believe any of his lawyer's advice

Recognizing the client unwilling to accept advice

- To some extent, this includes all clients.
- May be looking to find out consequences of decisions they have already made, or actions they have already taken.

Handling the client unwilling to accept advice

- Be clear what your advice is, and put in writing if possible what the outcomes of following and not following your advice could be.
- Use your judgment on whether ending the retainer is called for. Its the client who has to live with the consequences, not the lawyer.

Know when to fold

- At some point you should end the relationship
- Comply with rules



Difficult Client Resources

- Carole's paper
- Client billing information and matter carriage precedents
 - www.practicepro.ca/difficultclients
- Retainers
 - www.practicepro.ca/retainers

Beware of the fraudster client and bad cheque fraud

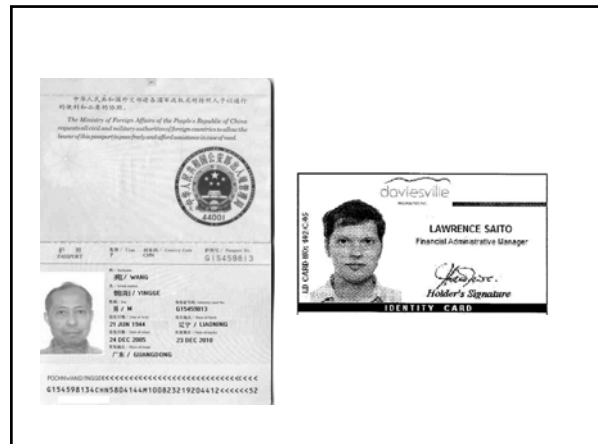


Dan

Beware bad cheque fraud



- Contrived legal matter
 - Business loan, collection or spousal support
- Goal: get you to run fraudulent certified cheque or bank draft through your trust account
- You disburse funds on the bad cheque
- Fraudster gets real money from your account
- Bad cheque bounces
- You have trust account shortfall
- Getting very sophisticated!



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Ref: CONFIRMATION (CH)
Date: 7/7/10

RE: VERIFICATION OF IDENTITY

I, Matthew Shihadeh, of the above named Law Corporation, being a Solicitor of the Supreme Court of England and Wales, do hereby certify that I am the Legal Counsel to the above named person and that in line of discharging the duties of my office and the International Protection of the People's Republic of China, I have duly verified the identity of the person named below.

That I have also taken the following information from such Identification Cards:

Name: YIN HUI HAN
Sex: MALE
Passport Number: G1549913
Country of Birth: CHINA (PEOPLES' REPUBLIC)
Date of Birth: 21/6/48
Present Residential Address: 271 SHIMMERBURY ROAD STE. 200, GALLAGHER

With the below Seal and Signature, I hereby confirm that the above information is true of my client and that all the necessary support should be rendered for the purpose of purchasing a property in Canada.

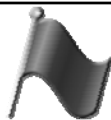
MATTHEW SHIHADAH (CMA)
Signature
Date: 7/7/10

St. Christopher House
122 DUNDAS STREET
LONDON ONT M5G 1B1

PAY TO THE ORDER OF ONE HUNDRED FORTY FIVE THOUSAND AND NO/100 \$145,000.00

CHASE CASHIER'S CHECK
Number: 904932903 Date: 08/07/10
Pay to the order of ONE HUNDRED FORTY FIVE THOUSAND DOLLARS AND NO/100 \$145,000.00

Protecting yourself



- Watch for red flags
- Ask questions and dig deeper if things don't add up
- Don't disburse funds immediately
 - EVEN IF CLIENT IS PUSHING!!!
- Wait until second bank-to-bank verification before issuing funds from your trust account
- See LAWPRO Magazine Show me the money article on funds transfers
 - Wired via LVTS are the only irrevocable funds

Getting more information on fraud

- LAWPRO Fraud page
 - www.practicepro.ca/fraud
- LAWPRO Fraud Fact Sheet
- AvoidAClaim.com blog



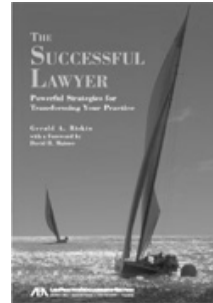
ABA Law Practice Management Section

- Law Practice Magazine
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ABA LAW PRACTICE MANAGEMENT SECTION
MARKETING • MANAGEMENT • TECHNOLOGY • FINANCE

The Successful Lawyer: Powerful Strategies for Transforming Your Practice



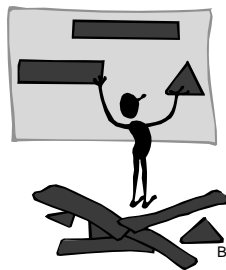
- Insights and tips that will change you and your practice
- By Gerald A. Riskin
- published 2005
- 256 page book or 6 audio CDs

Implementing all this Stuff!!

Resolve to make some changes

- Immediately
- 30 days
- 6 months

Focus on your Future!



Our thanks!!!



And questions please!

Dan and Pat.

Contact Info

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