



**Top Ten Marketing Mistakes**

**Lawyers Make**

**... and what you should be  
doing instead!**

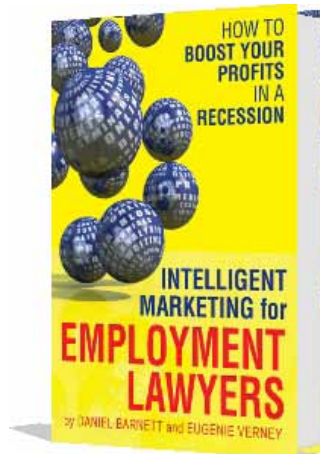
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**Parts of this book appear in Intelligent Marketing for Employment Lawyers**

**the new book by Daniel Barnett and Eugenie Verney**

**published by Employment Law Services Ltd, October 2009, ISBN 9780955388613. Used by permission**



**A 416-page hardback available from**

**Available from [www.intelligentmarketingforlawyers.co.uk](http://www.intelligentmarketingforlawyers.co.uk)**

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Graphic design by Gisele Malenfant [www.timelessdigital.org](http://www.timelessdigital.org)

Cover illustration by Miroslaw Pieprzyk

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# Top Ten Marketing Mistakes Lawyers Make

## ... and what you should be doing instead!

page 2	Mistake # 1	You don't know who you're talking to...
page 5	Mistake # 2	You're only talking about yourself...
page 8	Mistake # 3	You're doing too many things at once...
page 9	Mistake # 4	Forgetting to talk to your clients...
page 13	Mistake # 5	Reaching for the lowest common denominator...
page 15	Mistake # 6	Staying glued to your desk...
page 18	Mistake # 7	Ignoring social media...
page 21	Mistake # 8	Advertising just because everyone else does...
page 25	Mistake # 9	Using legalese and jargon...
page 28	Mistake # 10	Selling not sharing...
page 29	About the authors	

# Mistake # 1

## You don't know who you're talking to...

### Identifying your ideal client

You may be in the enviable position of already seeing dream clients comprise the lion's share of your business, or your corner of your firm's business. You long ago carved out a clearly demarcated segment of the employment law market and now you're just looking for the best ways to generate business from it.

### Or perhaps not.

And you wouldn't be alone: lawyers across the land—across the world, indeed—make **Mistake # 1** and fail to identify who it is they're talking to when they market their business. They're just not sure where to channel their energies, or they're afraid that defining a niche and doing what they enjoy most will cost them too much passing trade. So instead they use a scattergun approach which means they end up spending too much time wrestling with demanding and unremunerative cases.

What exactly do we mean? That's the one you really don't want. It's the case that devours your resources and attention, is often hugely annoying, and as often as not doesn't even bring in that much in the way of revenue. And you can find yourself caught in a vicious circle. You feel you ought to be out there grabbing anything that floats past the door because times are challenging and you're afraid the clients you really want are going to pass you by, but because you've put all your focus on custom you don't want, you end up failing to pull the cases you do want.

An over-simplification perhaps, but it's important never to lose sight of why you became a lawyer in the first place and why you chose to specialise. You will always have the most energy and deliver the best results when you're being true to yourself and doing something you actually enjoy. So go ahead and discover what it is that makes you stand out from the crowd.

Your goal here is to define your niche and position yourself as the best player—or at least a major player—within it.

## Here's where to start...

### 1. Define who you—and your colleagues—would really like as clients

For example, if your focus is on trade union law you have two clear types of target client: unions or the organisations employing their members. If TUPE ticks your boxes, then look for clients who specialise in acquiring businesses as going concerns. What exactly do we mean?

Perhaps you enjoy discrimination cases relying on EU law, so seek out clients whose workplaces generate the highest number of claims, such as under-staffed SMEs, or local authorities and NHS trusts, as well as the unions who bring the cases.

Still struggling? Then do it in reverse. Define the types of client whose business you know you definitely *don't* want and narrow it down that way. And be honest—you are likely to find some of them within your existing client base!

### 2. Identify real businesses and organisations that match your ideal client

Build a full picture of them, including the names of the people you'll need to meet. The more detailed you can be the better, as the clearer the picture you have the easier it will be to move to the next stage.

### 3. Imagine you are your target client...

... and all the possible reasons why that target client needs the type of employment law service you're going to make your specialist niche. Do you have any existing clients who fit the bill—or come fairly close? If so, use them as your starting point, but approach the exercise from *their* perspective, not yours, and ask yourself:

- What are your strengths and weaknesses?
- How can you build on your strengths?
- Are there ways you can hone them to more accurately match your ideal client's expectations?
- What else do you need to do?

## 4. What are your competitors doing—and what are you doing that they're not?

Pick out three *benefits* your competitors are offering your target client, and then identify how you would make these more interesting. That done, single out three key *benefits* you can offer that your competitors are not, and of those three pick the one that's your “unique selling proposition”—the USP much loved in the marketing and advertising worlds!

### What makes these leading employment law firms stand out?

'We give a free initial consultation, and I haven't seen many do that. We're also of a certain age, most of us, and that is useful in this business. And we're quite flexible in the way we deal with the clients.'

*Alain Cohen, director, Ashby Cohen*

'Being accessible and commercial. There's no point being a counsellor if you're not accessible. So accessibility is really a subset of commercial, and with that you thrive and without it you die, in my view.'

*Tom Walker, head of employment law at Manches, formerly in the same role at Colemans-ctts*

'Our niche is to provide the quality of service you'd get from a traditional commercial practice but with the other additional benefits. And really having it built into our culture that the service we seek to offer is practical and pragmatic.'

*Mark Ellis, CEO, Ellis Whittam*

'I put myself in the position of the client. What I say is: “My colleague here has a magic wand. She waves it and all clients' wishes come true. If she had such a wand, what would be your wish? You would like to keep your job? After what you've told me, I'm sorry...” If you want to buy apples and I've got pears, I'm sorry but it's not going to work out.'

*Ronnie Fox, principal, Fox Lawyers*

'One way in which we are different is that we do eighty per cent employer work and twenty per cent employee work. We are also the lawyers' lawyer—we have a really good portfolio of other law firms for whom we do HR work.'

*Mirella Sikorski, senior marketing executive, Lewis Silkin*

# Mistake # 2

## You're only talking about yourself...

### It's all about your clients, not you

You have your ideal client in your sights. Now you must clarify what they want, and **Mistake # 2** is one of the most pervasive and dangerous of the lot: conflating your clients' needs with what *you* do and who *you* are.

Before you can win your target client's attention, you must learn how to separate out *features*—something factual about you or your business—from *benefits*, what you are offering. For example, the type of metal used to build a car is a *feature*; how it withstands the impact of an accident is a *benefit*.

To see how this translates into marketing a legal service, imagine you are the proprietor of a modest SME, forced, for the first time, to fire people you personally hired not long ago. You are under pressure, you're feeling vulnerable, you have a superficial understanding of the law, but you're in uncharted waters and terrified you'll get something wrong and end up before a tribunal. At the same time, you don't want to be made to feel stupid, or out of your depth. You've done some Googling and now you're on a solicitor's website, and here's what they've got to say on handling redundancies:

The team at Adams, Brown and Curtis can help when a business has to restructure and reduce its workforce. Our employment lawyers, led by our senior partner, John Adams, have many years' experience in handling redundancies and complying with the relevant legislation, and with their thorough knowledge of the law ensure the correct procedures are always followed.

You would hope they were! But how do these lawyers actually *do* what they do? How would it *feel*? They say they're experienced and knowledgeable—all commendable if unexceptional *features*—but nothing at all about how this translates into their service for clients—the *benefits*.

Now here's the same message with the emphasis firmly on *benefits*:

If you're restructuring your business and have to cut your workforce, we can guide you through the whole process. We'll help you follow the correct redundancy procedures and make sure all your staff understand what's happening every step of the way. Contact our senior partner John Adams now to find out how we can get you safely to the other side.

## You see the difference?

The second approach is clearly about what's in it for the client, with the firm's *features*—the lawyers' ability to do the job well, the name of the person to contact—used only to reinforce the *benefits*. And the sub-text here is that this firm will not only get the law right but they'll hold the client's hand and see to it that communications remain civil with their staff, thus reducing the risk of unfair dismissal claims.

Now put your small business owner's hat back on again: which approach do you think you'd find most appealing, most reassuring, most likely to make you lift the phone and call John Adams?

Your next goal is get really clear about your own *benefits* and *features* and how they support your USP. This exercise is just that—an exercise! Your only audience is yourself and your colleagues.

Here's where to start...

### 1. Define that USP in detail

Here you're summing up who you are, what *benefits* underpin your unique selling proposition. Not sure where to begin? Let's return to Adams, Brown and Curtis, and let's say that while they handle all areas of employment law, they specialise in representing West Midlands SME employers in sex discrimination claims: that's their USP.

### 2. What's your second main *benefit*?

What next underpins your USP? For Adams, Brown and Curtis their next client *benefit* could be offering employment law services tailored for SMEs.

### 3. And what's your third main *benefit*?

Same as with your second benefit. Specialising in all areas of discrimination law could be Adams, Brown and Curtis's.

### 4. Now this *is* is all about you...

Define the *features* that identify you. This could be where you're based, your specialist areas, when your firm was established, the size of your team.

Adams, Brown and Curtis's finished summary could look something like this:

1. Our USP and key *benefit* is representing West Midlands SME employers in sex discrimination claims.
2. Our second *benefit* is specialising in employment law services tailored for SMEs.
3. Our third *benefit* is specialising in all areas of discrimination law.
4. Our main *feature* is that we only handle employment law work; our second is that we primarily represent SME clients from the West Midlands; our third is that the firm was established in 1999. Our team comprises 10 solicitors with 80 years' joint experience in discrimination law—that's our fourth *feature*. Our fifth is that our HQ is in central Birmingham with a sub-office in Wolverhampton.

Being really clear about who you are and what you do best is central to putting in place an effective marketing plan, and writing a summary like this is an excellent way of forcing you to focus.

## What does yours look like?

# Mistake # 3

## You're doing too many things at once...

### Focus on one strategy at a time

You can't do everything at the same time, and **Mistake # 3** is to even try. You'll get nowhere fast if you just draw up a list and decide that as of next Monday morning, you're going to:

- Give your website a complete makeover
- Launch a client newsletter
- Join three networking groups
- Jump aboard the beauty parade bandwagon
- Start advertising.

That's not to say that choosing any—or indeed all—of these wouldn't be right for you, but you need to do some thorough groundwork first and then select the one strategy that emerges as most likely to build existing client relationships and establish new ones. How do you know what's right for you? Start with some detective work: find out what approaches competitor firms are using and if there are any you haven't tried, test those first. We'd recommend testing a low-investment option to start with—have a look at the suggestions under **Mistake # 4** for some inspiration—and note that we emphasise the word “test”. This is an absolute marketing must—if you don't test a strategy within a measurable structure, how will you ever know whether it's bringing you any business? And always remember that just because your nearest competitors have redesigned their website or taken out a half-page ad in the evening paper definitely does not mean you should too!

# Mistake # 4

## Forgetting to talk to your clients...

### Feedback is not an optional extra

Of all the sources of new business you can explore, one offers more opportunities than the rest put together: your existing clients. Indeed it's up to ten times easier to get new business from existing clients than to acquire new ones, and around 80 per cent of your business almost certainly comes from the 20 per cent with whom you have the strongest relationships. And because the ideas that flow from maintaining good relationships and seeking feedback cost you little more than your time, doesn't it make sense to start here? We think so, but a remarkable number of lawyers overlook this marketing essential, and that's **Mistake # 4**.

Your starting point, however, has to be in building good relationships in the first place. And too many lawyers make dangerous assumptions about their clients, such as:

- **They know all about my services**  
Do they? Are you sure? If you don't tell them, they might well go to somebody who does.
- **If they have a question, they'll call me**  
And then again, maybe they won't if they're at all uncertain they'll get an answer... This one is linked to the next...
- **They understand I'm busy and aren't bothered if I take my time responding**  
Oh yes they are! They mind a lot—just as you do if another professional doesn't get back to you promptly. And they're not going to ask you anything if they're not confident you'll respond, or they sense their inquiries are going to be treated as a nuisance. Even if you can't deal with their inquiry in full right away, let them know they've crossed your radar in a brief email and then respond in full later. They want to know you care.

## So what *should* you be doing?

How do you show your existing clients—especially the top 20 per cent who bring in most of your business—that you do care? In a nutshell, talk to them more. We're not just referring to the usual communications that arise in the context of a specific instruction, but the contact you make to find out how they are and what's new with their business—personal (not automated) emails you send just to ask them if there's anything you can do for them, any updates they need, how you interact face-to-face, by visits you make to their place of business or meetings you organise on their premises and yours, for a catch-up coffee or lunch. Highlighting relevant judgments and news items of interest, or mentioning forthcoming events, are among less time-intensive and lower-key ways of staying in touch. Always ask them what works best for them—don't expect them to fit in around your masterplan. The benefits for you of taking the time to do this well include:

- Finding out how they operate, what makes their organisation tick
- Staying ahead of their game, anticipating the services they'll need next
- Building their trust, cementing their loyalty, and getting instant feedback.

## Which brings us to the crux of the matter... Feedback.

We mean feedback in all its guises—structured and informal, and if you're not seeking any, you're making a major mistake. Clients generally like the opportunity to let you know what they think of you, and if it turns out they have any mixed feelings then it's better to find out before they walk away than after—even if theirs is most likely going to be a single transaction.

So if you're not already doing so, you must put in place mechanisms for eliciting feedback. For single transaction clients this should be at the end of business, and for your regular clients it should be at regular intervals—annually, for example, or every two years. And whenever you make changes to the way you do business or add to your portfolio of services, seek feedback, say within six months of their introduction. This does not need to be from all your clients; a sample will do. And it doesn't always need to involve a structured feedback form either—with major clients, you could schedule periodic meetings or even phone calls specifically for this purpose.

For the information you gather to be of any use, you obviously need a proper system for collating it, analysing it, and looking for recurring themes. That done, you then need to act on it! If you don't pay heed to what your clients are telling you, you may as well not bother asking them. And don't forget to thank them—a phone call, an email, a card, or even a small gift will let them know that you appreciate the effort they have made.

## How do these leading employment law firms stay in touch and get feedback?

*Tom Walker, head of employment law at Manches, used two different approaches when he headed the team at Colemans-ctts: “At the end of a case for individuals, the firm gives out a questionnaire. They are returned in all insurance cases. The feedback I personally seek is getting into Chambers—you give names of certain people who are happy to be approached.”*

“We have a detailed CRM programme in place and each one of our advisors is prompted to phone every four weeks if there's been activity on the client account. So we're being proactive, to see how they are and if we can help them—which obviously builds the relationship.”

*Mark Ellis, CEO, Ellis Whittam*

“Questionnaires are work for the client, so we don't use them. Every month we will talk about how far along the track we are. Are we two-thirds of the way along the track? Are we one-third along the way of the budget? Result—happy client.”

*Ronnie Fox, principal, Fox Lawyers*

“Teams are encouraged to get feedback from clients, but this is tailored rather than through a blanket form. We also use an external team for general surveys of the firm's performance. We do this for transparency.”

*Mirella Sikorski, senior marketing executive, Lewis Silkin*

*Dean Morris of Morris Legal* is directing clients towards <http://solicitor.info> to leave their feedback once business is complete.

*Vista employment law and HR consultancy managing director Darren Maw* prefers to seek feedback from his clients through regular, but focused, phone calls: “I don’t tag it on to a service conversation. I make a specific call on a different day to say, ‘I’m not calling you to do with X, Y, or Z, just to say how are we doing? Have you got any gripes? Anything we can improve?’”

## Who do your clients know?

An important first cousin of feedback is seeking referrals, and—again—if you’re not doing it, you’re ignoring a valuable source of work. Why are referrals so valued? Because they arrive carrying an already favourable impression of your business from whoever referred them, and there’s already an element of trust in place. And some may arrive at your door without any specific effort at all on your part—just as an act of goodwill on the part of an existing client, made without any prompting.

The easiest way to get a referral from an existing client is simply to ask, and this is clearly going to be easier if the foundations of your relationships are strong. Look for more tenuous leads from clients as well. These are contacts they think might be interested in your services rather than direct referrals. And always remember two things:

- 1. Your clients won’t know you’re looking for referrals or leads unless you ask, so ask!**
- 2. Your business clients no doubt do the same with their clients, so they will generally be happy to help**
- 3. Say thanks, perhaps by way of a gift.**

# Mistake # 5

## Reaching for the lowest common denominator...

### Go for value, not price

Have you considered charging your clients more? Yes, more. Does that sound counter-intuitive, or even downright insane, given the present economic climate? Perhaps, but bear with us. Let's start by pointing out that there are only three ways to generate more income:

1. Grow your client base
2. Work for your clients more often
3. Charge them more.

We've explored getting new clients and consolidating existing relationships to increase your income, so what about the third option? **Mistake # 5** is to get carried away in a scrabble for the bottom...

Always remember that there are complex forces at work in all our buying decisions, and while pricing is a borderline marketing activity, it's here because it interrelates closely with activities that most definitely are. Let's consider these common assumptions:

1. If I charge less than my competitors I'll get more business
2. My existing clients will go elsewhere if I charge them more
3. Other firms are reducing their charges so I must to stay competitive.

Now let's take them one by one.

## If I charge less than my competitors I'll get more business

Your clients are not generally going to choose you over a competitor simply because you charge less. Indeed, if you just focus on price many may question why you *are* charging less before finding out anything more about you. Is it because you'll do less for them? Or perhaps you'll cut corners. Or just generally offer a poorer service. This tactic can only ever work in a retailing context, when you're selling as cheaply as possible and relying on high volume for profits. You, in contrast, are offering a complex professional service, and diving for the lowest common denominator is not the way to go—with one caveat. If you're genuinely able to make a profit on offering a *better* service for less than the competition, you can focus your marketing not on *price* but on *value*, and you use it primarily to assess the state of the market, then it's worth considering.

## My existing clients will go elsewhere if I charge them more

This depends hugely on your relationships with your clients, and many law firms—particularly smaller ones—do consistently under charge because they are afraid of losing custom. In a stronger economic climate, your clients will almost certainly be prepared to pay you more for an excellent service. In the present circumstances, however, charging more can only work if you also offer more. The intelligent and imaginative use of “upselling”—improving or adding to a service you are already providing—gives you the justification to up your rate, and gives your client more perceived value for money. Ideas worth exploring include offering free participation in mock tribunals, or visiting a client's offices for a half-day complimentary file review—anything that only costs you a few hours' billing but can cement client loyalty like nothing else.

## Other firms are reducing their charges so I must to stay competitive

Larger firms with major corporate clients are less likely to be susceptible to this kind of direct market pressure than smaller practices dealing mainly with SMEs or directly with the public. Whatever your client base, though, the answer is the same: don't do it! Start by asking yourself why your competitors are. Are they losing clients—to you, perhaps? Have they lost a key player to a rival? Have they bought into the pile-'em-high psychology? Or are they just panicking? Whatever's driving them, if you do the same and your clients, including any you might win on this new level playing field, become accustomed to lower fees, not only will you be losing income now but you will find it extremely difficult to restore your previous tariff once the economy picks up. Look instead at how you can upsell, offer more value, and improve your service.

# Mistake # 6

## Staying glued to your desk...

### Just get out there and get talking

Are you guilty of this one? You spend your entire working day at your desk, holding most of your conversations with your colleagues, not clients. And especially not with prospective clients. If that's you, you're making **Mistake # 6** and it really is time you got out more...

What exactly do we mean? Yes—that'll be the one: networking. It used to just refer to meeting people the old-fashioned way, but the internet—and in particular the advent of Web 2.0—has changed all that. We'll return to social media shortly, but first let's look at the networking basics.

### People buy people...

Holding that thought needs to underpin all the marketing you do, but never more so than when you're networking. And doing it should never be equated to hard selling. Your aim is to showcase your expertise and knowledge, to give freely, and become recognised as the dependable expert to whom people turn, not a pushy sales person fixated on talking about yourself. But suppose you don't want to talk at all? Suppose the whole idea makes your toes curl? We strongly urge you to get over it. Very few people don't feel anxious and self-conscious faced with a room full of strangers, and who hasn't had thoughts along these lines?

“Nobody's going to talk to me.”

“What if I'm asked something and I don't know the answer?”

“I'm not going to remember anybody's name.”

“I’m bound to tip my drink over somebody.”

Everyone has irrational anxieties, which boil down to fear of rejection, fear of embarrassment and fear of failure, not anything remotely life-threatening. And think about it—if you’re going through this process, so too are most of the people you’re about to meet. Have you *ever* been subjected to ridicule or abuse at a business-related networking event? Do you know anyone who has? Just accept that this is part of the process. If you keep your focus on why you’re there and how you’re going to use the opportunity, the sweaty palm stage will soon pass.

## Before you attend any networking event you need to ask yourself...

1. Who is your target client?
2. What do they want?
3. How are you going to provide it?

You are rarely—if ever—going to find yourself in a room full of your ideal clients, but that’s not the point. What matters is being completely clear about what type of work brings you most satisfaction and identifying how to win more of it. Once you have that clear in your mind, it’s going to make it much, much easier for you to talk with ease, confidence and authority. Note the use of the word ultimately. Remember, you’re not there to pitch for anything—as with all effective marketing, this is about *benefits*, not *features*. And guess what? Your job title is a *feature*. So when—as can be guaranteed to happen—you are asked: “And what do you do?”, the last answer you want to give is a bald, “I’m a solicitor”. Why? Well, it’s a conversation stopper for starters—as you say it you’re likely to start feeling defensive because lawyers are not, as we know, universally adored, and this will be reflected in your body language. But primarily because it’s a *feature*.

## So what *should* you say?

The Americans call it an “elevator pitch”, a brief but compelling response to wheel out whenever you’re asked what it is you “do”. Detailed enough to engage interest but succinct enough to be delivered in the time it takes a lift to reach your floor. One simple way of structuring it is: “I help (your clients) to (the problems you solve for them).” For example, if you were one of the Adams, Brown, and Curtis team you might say: “I help local small businesses stay up to date with all the changes in discrimination law.”

Another twist is to focus just on the challenges you address: “I work with (your clients) who (the problems they face).” So: “I work with local small businesses who find it hard to keep up with all the changes in discrimination law.” The other person will then say something like: “How do you do that?” To which you might reply: “I check in with them at least once a week to keep an eye on how it’s going and I also let them know immediately if anything’s happened that could affect their business.” The other person will hopefully then say: “That sounds useful—tell me more.” You could then respond: “Well, for instance only yesterday...” and give them a genuine example of a problem you’ve solved that has wider application. And if you still feel absolutely compelled to say “I’m a solicitor” when asked what you do, at least qualify it by saying: “I’m a solicitor, but what I actually do is...”, and use the rest of the formula. Whichever route you take, the conversation should now open up, and the other person can see there may well be something in it for them—*benefits*—or if not for them, for someone they know. Instead of an uncomfortable impasse eventually filled by you asking what *they* do, you’ve taken the initiative.

Now, though, you stop talking and start listening: the magic networking formula is always 20 per cent talk/80 per cent listen...

# Mistake # 7

## Ignoring social media...

### Get over it and get online

British computer scientist Sir Tim Berners-Lee said in 1995 of his invention, the World Wide Web: “I had (and still have) a dream that the web could be less of a television channel and more of an interactive sea of shared knowledge.”

With the advent of Web 2.0, his vision has come to pass in spades, and for all of us on the right side of the digital divide, a world without this frontier-free online dimension seems unimaginable and truly archaic. And if you're a Generation (Gen) Y (or Millennial)—born after 1980—then the internet, web and mobile technology have run like a thread right through your life, woven into your education and every facet of your socialising. That's how you do much of your business, stay in touch, and make your consumer choices. You know no other way, and the rest of us ignore your reality at our peril—not only because of the actual logistics, but because of the paradigm shift in thinking that now underpins them.

So **Mistake # 7** is to underestimate the importance of weaving the web into your professional life and instead standing on the social media sidelines. You may think you don't much care for Facebook and Twitter, and you may find anathema the very idea of a forum where clients can give you marks out of five accompanied by a scathing comment, but these are consumer tools that are here to stay—at least until they're replaced by something even more complex and sophisticated.

### It's all about relationships

What social media has changed more than anything is the marketing balance: no longer is it about you targeting your clients with a one-way rehearsed message via an advertisement, a brochure, or through traditional public relations that uses the media as a conduit. Now the emphasis is on building direct relationships and developing a conversation with the people you want to reach. To do this you need to maintain maximum credibility, by being authentic, trustworthy, and transparent—and by being prepared to listen, respond, share information for free, and occasionally act quickly. Etiquette really is everything, and there are two major online no-no's:

- 1. Trying to sell.** You will be ignored or cast out into the cold if you use any of the main social media pillars to blatantly push your marketing message. **Example:** Telling other Twitter followers that you're the bee's knees with endless breathless links to your own website.
- 2. Failing to disclose an interest.** If you're taking part in any kind of online discussion and you have a direct involvement in what you're contributing or recommending, *you must say so*. If you don't, be certain that you will be found out. Your credibility will plummet and your input will no longer be taken at face value. **Example:** Joining a blog debate by adding one or more comments in which you extol the virtues of a briefing paper you've written without mentioning that you're the author.

Where should you be making your social media presence felt? There is, as you'll be aware, a bewildering array of choices, so here we'll just stay with our networking theme and restrict ourselves to a brief look at LinkedIn and Facebook as the two major players in their respective niches.

**LinkedIn** is the best-known global professional networking site. By summer 2009 it was boasting a membership of more than 43 million members in over 200 countries, at least 2 million of them in the UK, and the American-owned company claims that a new professional joins every two seconds. The LinkedIn model has been shown to be particularly effective for those wanting to take a step up the career ladder, but its very straitjacketed emphasis on the individual, their CV, and their existing contacts rather than on their business, its services and benefits, may not make it quite as effective for sourcing new custom.

**Facebook** is the fastest-growing social networking site in the world—it had 300 *million* users in early autumn 2009 and was still pulling in 700,000-plus new users *a day*. It's also the most popular social networking site in the UK, and ranked fourth in the world for traffic by internet intelligence and navigation company Alexa. The site was launched in February 2004 solely for Harvard students. Within a month, more than half the university's undergraduates had signed up, and within a year the platform was extended to other Boston colleges. Then Facebook's scope was widened to take in all US universities, then US high schools, and then—by the end of 2005—UK universities. The doors were finally opened to everyone in September 2006, and that's when it really began to take off.

Getting started is free and simple. To use Facebook at its most basic all you need to do is...

- 1. Create a profile**—you can only have one account, and it must be in your own name

**2. Add some content**—you’re offered a list of standard settings which you can include, exclude and modify, and you can write something about yourself

**3. Start building** a network of online contacts through “friend requests”—approaching people you know who are already members, or asking friends and colleagues who aren’t to join in. You will also receive “friend requests” (which you can accept or decline). Only “friends” can see your full profile, find out what you’re doing, and leave comments.

Your profile is your showcase, with brief “status updates” as the centrepiece. These can be purely personal—what you’re doing, where you’re going, who you’re meeting—or point your friends in the direction of something interesting. Your friends can comment on your updates, you can comment on theirs, and you can leave messages on each other’s “walls”, or communicate directly via personal messages. You can post photos, video and audio files, and imbed these on your profile page, and you can list upcoming events. Everything you and your friends input within your network is “fed” to you, and herein lies the real value. In time your network entwines with other networks, the size of your Facebook contacts list grows, and you are linked—albeit loosely in most cases—to a potentially enormous number of people.

There are various other ways of gaining a Facebook presence, principally through

- **Groups.** As the owner of a “group”, you can send messages to up to 5,000 other Facebook members who’ve chosen to join. Groups can cover an enormous range of topics (and do! Fancy some nude bagpiping?!). There are, for example, more than 40 which include “employment law UK” somewhere within their general remit. Among them are groups set up by both traditional practices and by advisors. There are three types of Facebook groups: open, where anyone can join; closed, where the owner or administrator has to approve membership; and secret, where only the members and people they invite to join even know the group exists.
- **Pages.** These are a more specific Facebook business marketing tool. To create and maintain a page, you must be “an official representative” of the business or individual that is its focus. Rather than having members, pages have “fans”. President Barack Obama’s main page (there are many others), for example, has more than 6 million fans. Unlike groups, pages are indexed, which means they show up on Google, and you can also have an unlimited number of fans.

Lawyers on both sides of the Atlantic—but particularly the UK side—have been rather slow off the mark in harnessing Facebook as a marketing tool: here’s your chance to get ahead of the game!

# Mistake # 8

## Advertising just because everyone else does...

### Time to ask yourself why

Doesn't everyone advertise, in one form or another? Isn't it a marketing must-have? Not any more—and once again, that's largely down to the internet. Need convincing? When did *you* last use Yellow Pages to look for a professional service? Or contact an accountant, say, just because you saw their ad in your local weekly? If nobody's offering you a ready recommendation, don't you usually start by Googling when you need to find a professional service? We're prepared to bet you do.

And this of course begs the more important question—how many of your prospective clients do you suppose start searching for an employment lawyer by flicking through a book? And if you're still advertising in Yellow Pages (or another physical directory), do you really know why? Further, if you're advertising in any kind of published media—newspapers, magazines, trade press—can you quantify whether it's achieving anything?

**Mistake # 8** is to carry on advertising “just because” and without being able to measure the results.

Many volumes have been written about advertising: its pros and cons, how to do it effectively, where to do it and so on. But the fact remains that it carries an intrinsic weak link in any of its conventional forms. Your message is only going to be of value to people who need what you're offering at the *exact moment* they read, see, or hear your message. If they don't, they may remember you, but unless you are Tesco or Ford, they much more likely won't. And herein lies the appeal—and what helps explain the phenomenal success—of online pay per click advertising, of which more shortly.

Traditional advertising falls into two main categories:

- 1. Brand advertising**—what you see on TV, in magazines, on billboards. It's aimed at getting you to remember the advertiser's name. Think Coke, McDonald's, Audi and L'Oreal...
- 2. Direct response advertising**—anything that produces a response you can test or measure.

**Brand advertising** is premised almost exclusively on what's known as "interruption marketing": You're watching a compelling drama on ITV and along comes the ad break. The advertiser now has to grab and hold your attention and keep you in your seat when you'd really rather be through in the kitchen popping the kettle on or refilling your glass. The same applies when you're reading an interesting magazine article—the ads need to be able to pull your attention away so that you look at what they've got to say, without being irritated at the distraction, and then retain their message long enough to act on it.

Ad agencies around the world are paid megabucks to get their clients noticed in this way, but they are finding it more and more difficult in the face of the sophisticated online marketing techniques we've already touched on, where it's all about conversations, interaction, sharing information. So unless you're already a household name, or have recently scooped the Euro Millions jackpot, we say don't touch brand advertising with a barge pole!

**Direct response** works entirely differently, and if you're going to spend on advertising this is where to do it. Here you are inviting a prospective client to take some action which leads them to your door. And, unsurprisingly, as you have no widgets to sell upfront the best type of direct response advertising for lawyers is offering something for free to start the relationship. Adams, Brown and Curtis could, for example, advertise a free redundancy seminar in the local paper, either directing readers to a dedicated phone number (ideally an 0800 number) and/or to a specific page on their website. Either way, the means are in place to measure the response and gather the names of some new prospective clients, and the firm has also achieved a little positive profile-raising. It'll also quickly become obvious whether it was worth the effort.

## What about those ads on Google then?

You know the ones—they appear at the top of your search results on both Google and Yahoo!, and in a column down the right-hand side of the page. This is pay per click—direct response advertising 21st century-style and the easiest way to get a high search

engine position. Google's AdWords take the lion's share; Yahoo!'s equivalent is Sponsored Search.

PPC can produce fantastic returns because you advertise to people who are very specifically searching for what you're offering—and they want it *right now*. You only pay for your ad when somebody responds by clicking through to your website, and the pricing is determined by a real-time auction based on actual market values, not a figure plucked from the air by an advertising executive. A further huge advantage of PPC is that—unlike just about any other type of advertising—you can turn it on and off at will.

So far, so good, and the process looks disarmingly simple at first glance. But do not be fooled. Finessing any PPC programme can be incredibly time-consuming and complicated. And because it's becoming more and more popular, the goal posts keep shifting, and it's all too easy to spend a great deal of money very quickly and achieve nothing. So before dipping even a toe into the PPC water, research the topic thoroughly, get some expert advice, and don't just rely on what Google and Yahoo! tell you about their respective packages!

## What do these leading employment law firms think about advertising?

“We do advertise, on a very limited basis, for very specific marketing to niche sectors, in the specialist trade press. My problem with advertising is that you can spend a small fortune and there are more effective ways for us to get new clients on board. My view on advertising is that it doesn't make the phone ring.”

*Mark Ellis, Ellis Whittam*

“The question is not ‘Why don't you advertise?’, it's ‘Why would you?’ I can't find an answer to the first, so that answers the second. How many employers—and our target market is 1,500 employees—would pick up a leaflet and say: ‘Oooh, that might be a good way to service our HR strategy. I'll give them a ring?’”

*Darren Maw, Vista*

*Dean Morris of Morris Legal* has tried advertising inside a local Citizens Advice Bureau. “They have a display unit on the wall and each speciality gets a slot where they put your name and they have a business card holder. What they don’t tell you, which I found out afterwards, is that the CAB office I happened to be put in—having been approached by the advertising company—deals with all their own employment work and doesn’t give anything to anybody. I felt I’d been done!” He meanwhile has become something of a PPC expert, using it to drive traffic to his website-based business.

“We use print advertising only rarely. Our buyers are sophisticated and they’re not going to make a decision on the basis of an ad.”

*Mirella Sikorski, senior marketing executive, Lewis Silkin*

*Alain Cohen of Ashby Cohen* has used newspaper and billboard advertising in the past. “If I started billboard advertising again, it probably would be effective for a short time. It’s relatively expensive, but it could be done.” Like Dean Morris, he uses PPC to direct clients to what has become a largely web-based business.

# Mistake # 9

## Using legalese and jargon...

### Go for plain English every time

There's a common misconception among some lawyers that to be taken seriously by your clients you need to address them in legalese—possibly with some marketing jargon and business gobbledegook thrown in for good measure. The thinking appears to be that because they're in business too, they both understand and actually appreciate this tortured mode of address.

### We have news for you. They don't. Nobody does.

Why should anyone who isn't in the legal profession be expected to tolerate legalese, particularly in 21st century Britain? They don't see it as a sign of your success, your grasp of your subject. Rather, it's perceived as patronising and lazy and this is one sure fire way of alienating, intimidating and potentially losing clients—even clients who are successful high-fliers in their own niches. Not to mention the added inherent risk that they may not actually understand what you're saying. **Mistake # 9** is to imagine none of this applies to you.

We are now bombarded with information from more sources than we would have thought possible even ten years ago, and as a result we all have a diminished attention span and lower boredom threshold. The ability to quickly engage your audience's attention in any context has therefore never been more important and it's crucial that you speak in plain English—not just in day-to-day dealings with your clients but across all your marketing communications as well. One simple way to do this is to...

## Clear out the clichés

Clichés, jargon and gobbledegook: they're everywhere! And lawyers are right up there among the worst offenders when it comes to harnessing meaningless phrases to sell themselves. Some common (way too common!) examples are...

- **client-centred**; client-focused; client-based (*where else would you be looking?!*)
- **committed to...** dedicated to... commitment to clients (*as above!*)
- **a full range of services** (*as opposed to what—a pretty feeble range of two or three threadbare ones?*)
- **proactive service** (*looks good, but what does it mean?*)
- **cost-effective service**; competitive service (*as opposed to a grossly over-priced rip-off?*)
- **wide/extensive/broad experience** (*against a maximum couple of years' PQE or a complete lack?*)
- **support at all levels** (*levels of what?*)
- **tailored solutions** (*as opposed to something you toss indiscriminately in the general direction of all your clients?*)
- **innovative solutions** (*in preference to stale, obsolete, can't-be-bothered solutions? There are anyway far too many "solutions", innovative and otherwise, out there now—the word has alas lost its value.*)

There are plenty more—visit the Plain English Campaign's website ([www.plainenglish.co.uk](http://www.plainenglish.co.uk)) for wider insight. Other sites we recommend are <http://gobbledygook.grader.com>, which analyses your website for excessive use of jargon (and helps you realise quite how bad copywriting can be), and David Meerman Scott's analysis of the top US gobbledegook words and phrases used in 2008: <http://bit.ly/2WAsiw>.

## What do these leading employment law firms think about legalese?

“Plain English is the language of choice at Lewis Silkin. We really don’t speak legalese. Our biggest audience is HR people and in-house employment lawyers, plus FDs and MDs.”

*Mirella Sikorski, senior marketing executive, Lewis Silkin*

“I will not tolerate legalese. There’s a well-known quote: ‘The sign of a bad lawyer is one who hides his ignorance behind his language.’ That has never, ever proved itself wrong. If we get a letter with legalese in it, that just says to me: ‘Tom, you’re going to win’.”

*Tom Walker, former head of employment law at Colemans-ctts, now in the same role at Manches*

# Mistake # 10

## Selling, not sharing...

### Become an expert not a salesperson

You'll by now have realised that intelligent marketing is all about moving away from taking a traditional one-way traffic approach and instead mixing elements of the tried and tested with the new way of thinking that's flowing from the world wide web. At the heart of this lies the concept of marketing as an expert and not as somebody setting out a stall.

**Mistake # 10** is failing to grasp the distinction. So what exactly do we mean?

A *salesperson* is someone who is only interested in talking about who *they* are, what *they* do, what *they're* offering. They're not really bothered about what their clients might actually want, they don't do listening, they're only looking for super-quick returns, and nobody gets anything for free. Ever.

By contrast, an *expert* understands that Web 2.0 has changed the rules. They get involved in online conversations—on forums, say, or on blogs (their own and other people's), or on Facebook or Twitter—and they know they're there to add *value*, not grab a quick buck. They're happy to give away lots of information for free because this builds trust and authenticity. They'll perhaps do this by offering guidance on an ad hoc basis via a Facebook or LinkedIn group, or by becoming their local paper's first port of call with an employment law question. They may prefer a more structured approach, sharing ideas through seminars or webinars, or via website downloads such as briefing papers, podcasts, or ebooks like this.

Of course, what works best for one lawyer, one law firm, won't necessarily be perfect for the next and there's never going to be a single formula for success. All that matters is that you're prepared to do a lot of experimenting and testing, keep an open mind and always hold the pivotal thought that...

**Intelligent marketing in the 21st century is all about listening.**

# About the authors

## Daniel Barnett

Daniel Barnett ([www.danielbarnett.co.uk](http://www.danielbarnett.co.uk)) is a practising employment barrister widely recognised for his marketing skills. In 1999, he launched the Employment Law Bulletin mailing list and was the first UK lawyer to make widespread use of email for marketing purposes. The following year, he launched the UK's first legal email content service ([www.emplawservices.co.uk](http://www.emplawservices.co.uk)), helping many firms of solicitors build up a substantial employment law practice. In 2006, he was the first UK lawyer to make use of telephone and video webinars, going on to co-found CPD Webinars ([www.cpdwebinars.com](http://www.cpdwebinars.com)) in early 2007. **Intelligent Marketing for Employment Lawyers** is his eighth book.



## Eugenie Verney

Eugenie Verney ([www.eugenieverney.com](http://www.eugenieverney.com)) has a Masters degree in employment law and is a professional mainstream and online communicator. Her extensive experience spans print and broadcast journalism—including The Guardian, Daily Express, Granada TV, and the BBC—commercial and public sector marketing, PR, copywriting, and corporate communications. She works with businesses and individuals to identify how best they can reach their clients using a mix of traditional and web-based marketing methods and guides them through putting theory into practice with tailored communications training and support.



We hope you're taking away some great ideas from this ebook!

But we've only scratched the surface here.

Our new book *Intelligent Marketing for Employment Lawyers* shows you **why** this is exactly the right time to raise your marketing game and **how** to blend a range of tried-and-tested tools with new online strategies for an **unbeatable edge!**

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*Rustom Tata, Partner, DMH Stallard LLP*

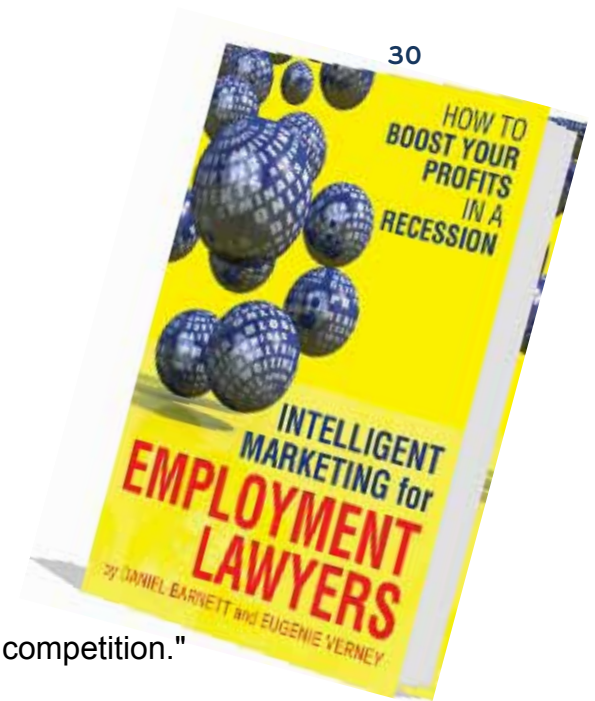
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