



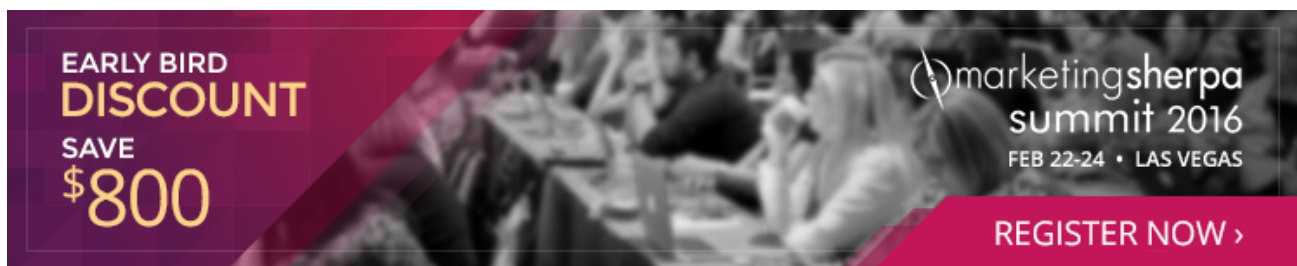
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Feb 22, 2006
How To

Market to Lawyers: 5 Specific Tactics (Hint: Text-only Email)

SUMMARY: If you're sending any email newsletters or campaigns to lawyers right now, pick up your phone, call the production department, and tell them to switch to text-only. Preferably a layout that looks fabulous on a BlackBerry. Next, keep reading for more on marketing to lawyers, including how to avoid the top two mistakes; how to write copy that lawyers love reading; what are legal firms' top three challenges and frustrations (that your marketing can tap into). There are 650,000 lawyers working in the US today; here's how you should approach this marketplace.

By Dianna Huff, Contributing Editor

Lawyers, and the legal industry in general, don't enjoy the best of reputations. The adjectives normally associated with them are pejorative and downright unflattering.

Yet after MarketingSherpa's extensive research and interviews with legal industry experts and yes, lawyers themselves, a new picture emerged.

Lawyers are hardworking, incredibly loyal to their clients and very, very smart. They consume vast quantities of information, are trained to follow an argument and can sniff out hype in a nanosecond. And despite their dubious reputations, they are the very people we turn to when we find ourselves in legal trouble.

The legal industry is small relative to gigantic industries like health care or financial. It's a niche industry and within it are specific demographic groups that require their own set of "rules." But it's also an industry worth considering, especially if you market specialized software or services that can help lawyers save time or give them a leg up with their clients.

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However, marketing to lawyers can be hideously challenging. Finding the right decision maker in a law firm can be tough, and the sales cycle is long and frustrating. So what's the secret?

Easy. Don't market to lawyers themselves. They aren't the decision makers.

First, a quick marketplace backgrounder

Lawyers held about 735,000 jobs in 2004, according to the US Department of Labor. Approximately three out of four lawyers practice privately, either as partners or associates in law firms or in solo practices. Lawyers also hold positions in government, corporations and non-profit organizations.

Law firms range in size from solo practitioners to global mega firms. Small firms generally consist of two to nine attorneys; medium-sized firms have 10–99 attorneys; and large firms have over 100 attorneys.

The term "white shoe firm" refers to the larger law firms whose clientele consists of Fortune 500 clients and other large institutional organizations; the client relationships are usually long-standing and go back decades. White shoe firms are more traditional and favor a more formal culture.

Top two mistakes in marketing to lawyers

Mistake #1. All too many marketers assume all law firms -- and all types of law -- are pretty much the same.

Lawyers can be defense lawyers or corporate lawyers. Law firms also have a number of practice areas including labor and employment law, commercial law (i.e., energy, technology), intellectual property law, criminal law and communications and media law, to name a few. Within these areas a firm usually offers consultative and litigation services.

For example, a labor and employment law firm will keep its corporate clients abreast of all federal, state and local regulatory actions/laws and will advise clients accordingly.

The same firm will also represent the client in cases that go to trial. Although, as Jane Jacobs, attorney for Manhattan-based Klein, Zelman, Rothermel & Dichter, a labor and employment law firm, states, "Contrary to popular opinion, we work very hard to keep our clients out of litigious actions. The cost to go to trial is very, very expensive."

Mistake #2. Few marketers truly grasp who has the real purchasing power at law firms or the firms' culture and their makeup.

Unlike corporations and other businesses with pyramid-shaped hierarchies, law firms are flat and are typically organized as follows:

Partners

These people have a financial stake in the firm and receive payouts on a regular schedule based on firm profits. To become a partner, which until recently was seen as the "brass ring," lawyers must work incredibly long hours for seven or eight years. Partners are expected to bring in business, and lots of it.

Senior Partners

Don't be fooled by the title "Senior Partner." This just means the attorney is older, has been at the firm for decades and has a track record. In other words, he is God to a newbie associate. The title itself does not necessarily denote purchasing power.

Nonequity partners

A relatively new and growing trend, nonequity partners are attorneys who receive large salaries but don't have a financial stake in the firm. Their ranks are growing for one reason only: law firms make more money on them than on associates and equity partners. A nonequity partner can also be the real decision maker as larger firms will often hire an attorney to act as the firm's COO, Managing Director, etc.

Associates

Associates are lawyers who are not partners. They are assigned to teams and/or specialty areas and are given tasks by the partners. Associates are groomed for partnership by mentors inside or outside the firm and can quickly wash out if they don't measure up to snuff.

Quasi-legal Staff

Paralegals, legal secretaries, administrative assistants and the like round out the law firm staff. Paralegals and legal secretaries have specialized training but are not lawyers.

Non-legal Staff

Medium and large firms will also have HR, marketing and IT departments, with these departments overseen by a Managing Director, COO, or Managing Partner.

It behooves you to find this person in the firm because he or she makes all the purchasing decisions. It also behooves you to get to know the various people in these departments, especially marketing and IT, because they are the influencers, if not the decision makers.

At last -- a marketplace of "readers," albeit busy ones

Those of you who come from a copywriting background because you love words and writing will be delighted to hear lawyers are one of the very (very) few groups of professionals who read everything. No matter what size the firm, lawyers everywhere have common characteristics. In addition to having graduated from a law school (the more prestigious the better), they are incredibly busy and overworked.

Partners and associates spend their days reading vast amounts of material; everything from legal research and briefs to newspapers and magazines.

In addition to standard fare such as 'The Wall Street Journal' or 'The New York Times,' lawyers may also read the daily legal newspapers specific to their locale ('San Francisco Daily Journal' is one, 'New York Law Journal' is another); national newspapers, such as 'The Legal Times,' which reports on legal news from Washington, DC; and trade journals such as the 'National Law Journal.'

According to Jacobs, a few of these publications have become obsolete due to the Electronic Case Files (ECF) system where electronic notices are sent to lawyers whenever anything is filed with the Federal Courts. "We have a service," she states, "that follows the docket to be sure we know what's happening. Few people read the 'Law Journal,' but yes, some people still do."

Partners are responsible for attracting new business (one of their top priorities), supervising associates, counseling clients, staying on top of business issues, trends, regulations and laws (in order to keep their clients out of trouble), and preparing for trial when necessary (prep work includes travel to client sites, depositions and the like).

Blackberry addiction

If you're sending email to the legal profession, format based on how your message appears on the smaller-screen of a BlackBerry because that's where it probably will be viewed instead of a computer screen.

The average busy lawyer is pinged every three minutes by his or her BlackBerry. If there's one thing you take away from this report, it's that lawyers live and die by their BlackBerries.

Why? Lawyers are constantly on call. Says Jacobs, "All the partners in our firm can be reached 24/7. I don't care if we're on the subway, in a courtroom, or at our kid's birthday party, our clients can reach us."

Because of this dependence, dozens of third-party vendors are now offering add-on applications for time-strapped, mobile lawyers – everything from time tracking and billing to legal dictionaries. Some applications even allow mobile users to tap into complex in-house databases that house case documents.

Top three challenges your marketing can tap into: consolidation, globalization, paperless offices

"Ten to twelve years ago, work came over the transom," states John Buchanan, Director of Communications for the San Francisco-based law firm Heller Ehrman LLP. "Now, however, competition for clients is fierce. We're seeing lots of mergers and acquisitions and large firms are now becoming mega firms. And, these firms are now competing for the same clients in a shrinking market."

Mega firms, such as Baker & McKenzie, DLA Piper Rudnick Gray and Cary, and Jones Day, employ thousands of lawyers (3,309, 3,159 and 2,297 respectively) in offices around the globe, including Europe, Africa, China and Hong Kong. Indeed, according to a 'National Law Journal' (NLJ) survey of the top 250 firms, the number of attorneys working in offices outside the US grew 23% in 2005.

Much of this growth is directly attributable to mega-mergers between US and foreign firms, such as the one between US firm Piper Rudnick Gray Cary with London-based DLA, a 1,350-attorney firm.

According to Tom Kane, Esq., author of www.LegalMarketingBlog.com, a blog dedicated to small law firms and individual attorneys in all size firms, only in recent years have law firms become very large.

Even just 20 years ago, firms were generally smaller and more local in presence. In the early days, legal marketing was more local in nature: Lawyers were active in their community organizations and conducted personal marketing with their clients, such as golfing and socializing with their main clients at their country club on Saturdays.

Once the Bates vs. State Bar of Arizona decision was handed down by the US Supreme Court in 1977, things began to change. Eventually, law firms began to advertise in newspapers, magazines, on TV and on Web – and the stakes are high. Buchanan reports that his firm recently completed a \$1.3 million advertising campaign with ads running in 'Forbes' magazine and 'The Wall Street Journal.'

Adding to the pressure of intense competition and globalization is "fee squeeze." According to Buchanan, law firms raise their rates every couple of years, taking larger bites out of corporate budgets. Budget-strapped companies are now asking for fixed fees, contingencies and discounts.

They are also hiring their own in-house lawyers to act as general counsel (GC) – lawyers who are in charge of the company's entire legal budget and the hiring of other law firms for specific law functions (intellectual property law, employment and labor law, etc.).

Richard Levick, Esq., concurs. Levick, author of 'Stop the Presses: The Litigation PR Desk Reference' and President of Levick Strategic Communications, a firm specializing in PR for law firms involved in high-stakes litigation, states, "An estimated 60% of the practice of law is now commoditized. GCs are now asking law firms, 'Why should we pay you \$500 an hour? What's in it for us?'"

And, because the GC has a set budget and spending targets, he/she can easily call the shots for rainmakers bucking to get business in a cut-throat competitive environment.

Two emerging trends in the industry revolve around “paperless” offices: PDFs and electronic discovery. Yes, PDFs. Complex cases can generate hundreds of thousands of pieces of paper. Managing all this paper is a time-consuming process that must be handled without error in order to meet critical court deadlines.

In addition, the administrative offices of the US Federal Courts developed the Case Management/Electronic Case Files (CM/ECF) system. Implemented in bankruptcy courts in 2001, the system is now in use for all district and appellate courts.

Basically, the CM/ECF system allows courts to maintain case documents in electronic form (PDF). More importantly, it gives each court the option of permitting case documents — pleadings, motions and petitions — to be filed over the Internet.

Hence, electronic management software (software that facilitates the conversion of paper into PDF and then allows it to easily be tracked, managed and stored) is a key purchase for many firms.

Electronic discovery is another trend on people’s radar screens, especially trial lawyers. Because so much evidence is in electronic format (think smoking gun emails), software is needed to sort through it all.

Electronic discovery software hasn’t been accepted 100% yet because “lawyers are still waiting for clarity in rules and procedures and, so far, there has been limited pressure from clients, judges and other lawyers,” states legal technology expert Dennis Kennedy in an article published in 2005. But once things shake out and as the applications mature, Kennedy predicts new software tools will combine both electronic records management and electronic discovery functions.

How to pitch your products to law firms: Three strategic tips

Whatever marketing tactic you use, whether it’s email or direct mail, the experts we interviewed give the following strategic tips:

#1. Determine who is the decision maker and who are the influencers

“Who you target depends on the product you are selling,” says Neil Squillante, Esq., Publisher of 'TechnoLawyer,' a media company specializing in e-mail newsletters for lawyers and law firm IT managers.

“A back-end accounting system is more likely to generate interest among office managers than lawyers. By contrast, software that enables litigators to create a timeline to use in court or at a deposition is more likely to generate interest among lawyers than office managers.”

Our experts had various opinions about whom to target. “The managing partner is key,” said one expert while another stated, “Our office manager makes all the recommendations; the partners just rubber stamp them;” while another person said, “The Managing Director or COO is really the person you need to target.”

These are simplified approaches to a purchasing process that can be quite nuanced says Squillante. “A select few people in the industry have a passion for products and services of interest to law firms -- lawyers and administrators. Even if these people don’t make the final decision, their influence is undeniable. In other words, you should reach out to the people who sign the checks and the influencers. Both are equally important.”

#2. Know your audience and how purchasing decisions are made

Before beginning any campaign, understand to whom you’re marketing. Trial lawyers? Business lawyers? Are you targeting larger firms? Do you have a product that is specific to employment law?

Because a law firm is a “flat” organization, decisions are made by committee. This means all partners having equal buy-in and the approval process can take forever. It is not unusual for a proposal to languish for months, if not years. Says Buchanan, “I have 280 ‘bosses.’ Getting the Website completed and approved took over a year because everyone had ‘buy-in.’”

#3. Copywrite for the serious, factual mind

“Lawyers appreciate a logical, fact-filled argument,” comments direct mail copywriter Steve Slaunwhite. “They don’t want hype or puffery. Anything you send to them should be similar in tone, look and feel to the professional material they are already reading.

“They also have an overwhelming sense of self-importance – and this isn’t meant to be derogatory at all. Their advice can literally change their clients’ world. Your copy should appeal to this sense of themselves and should imply their jobs are very important.”

“Lawyers are also very smart and know how to do one thing well, but think they know everything,” states Levick. “When pitching your product or service, you have to be an expert at what you do. Lawyers respect expertise. Expect to be cross-examined when giving your pitch. If you don’t have solid answers, you’ll lose.”

Says Jacobs, “If you really want to get my attention, give me something of value. Get me CLE (continuing learning education) credit for listening to your document management software demonstration. And, get directly to the point. I’ve had two ‘litigation support’ firms pitch me recently. After a lot of general ‘we can help manage your document database’ hype, I figured out they are glorified (and far more expensive) copy services. A salesperson needs to know what my electronic discovery issues are before he can convince me to spend thousands of dollars with him.”

Five Specific Marketing Tactics that Work

#1. Direct mail

Direct mail is the perfect medium if you're selling reports, subscriptions or other information products. "Lawyers are motivated by compliance and due diligence. Any type of report or information product that helps them help their clients is going to go over well," states Slaunwhite.

Slaunwhite has had success with two to four-page sales letters (remember, lawyers are used to reading) mailed in a plain envelope with no teaser. For one client he replaced a small brochure with a four-page, information-packed letter that generated considerable response.

#2. Email

Squillante states you can engage in lead generation via email, provided you pay attention to the following:

- o Content and context – Squillante's firm delivers high-value content to its subscriber base. The third-party ads in TechnoLawyer's newsletters often generate double-digit clickthroughs because of the surrounding rich content and because they are designed to look like the newsletters rather than stand-alone messages.

- o Targeting – Squillante advises his advertisers to market their products to targeted groups within the industry (vs doing a "blanket" campaign). For example, his advertisers can target corporate vs litigation lawyers, small firms vs large firms; or even lawyers who use a BlackBerry or Treo. "One of the hottest product groups right now is specialized time-billing software for BlackBerry and Treo devices," he says.

- o Clean lists – All lists get dirty, says Squillante, so TechnoLawyer uses the controlled circulation model from print. When a subscriber joins the list, he/she has to take a survey after one month, otherwise, his/her name is removed from the list. The subscriber then has to take the survey again every two years to remain on the list.

So what about those BlackBerry devices? Does Squillante format newsletters specifically for them? "Excellent question," he replies. "When someone subscribes, the default is text. We've tested this and have found response has been just as good, if not better, than with HTML."

#3. Print Advertising

Lawyers read everything, and this goes for print ads in trade journals. Chet Holmes, who was the Associate Publisher for 'California Law Magazine' for seven years, closely tracked reader response.

"Each month," he reports, "I would see 14 responses to this ad, 16 for that one, 13 for another. But there would always be one or two ads that got 200, 300 responses. I started analyzing these ads to see why they were pulling better." The reasons why are standard copywriting/marketing best practices that bear repeating.

- o Benefit-oriented headlines out pulled "clever" headlines every time. Holmes said, "One ad showed the visual of the earth on a silver platter and the headline read, 'We serve the world in whole different way.' Of course, it bombed."

- o Copy stated exactly what the product was and what it did in clear, concise language.

- o The ads were visually distinctive from others in the book.

For example, Infomatics ran a two-page, four-color spread. Both pages were black except for a small box in the corner showing two attorneys talking: "Damn," said one attorney, "Raskin Reffkin and Jones beat our butts again. How did they do it?" Replied the other, "Blood, sweat, and Infomatics." "This ad," states Holmes, "was one of the best pulling ads in the history of the magazine."

#4. Case studies and testimonials

Lawyers and law firms tend to have a herd mentality and respect a well-earned reputation. (Lawyers are very status conscious.)

If the big firms are using a specific billing software, then medium- and small-sized firms will follow. Hence, case studies and testimonials from major players in the industry are key if you want to gain traction with firms lower on the food chain.

#5. PR and networking

Remember, lawyers respect experts, so by-lined articles in a trade journal will go far in establishing your reputation.

You can also build your reputation by sitting on panels at industry conferences and Bar Association meetings. Says Steve Forbes, Esq., President of Divorcenet.com, "Be selflessly interested in helping the profession, but also be mindful of the two emotions that drive any market: fear and greed. Unlike business people, lawyers are probably more driven by fear than greed. Find something that is perceived to have value and educate the marketplace."

If you're marketing to larger firms and want to get an in with marketing directors, Buchanan advises getting involved in the local chapter of your Legal Marketing Association (LMA). Get to know the players and the industry, and volunteer to sit on the board or on a committee.

While no one mentioned blogs, law blogs or "blawgs" are gaining traction. Check out Blawg.com for a list of over 600 law- and legal-related Weblogs.

Final note - it's about relationships

The bottom line, when marketing to law firms, is to develop real relationships. Remember, this is how the legal profession has grown their own business for hundreds of years, so they take stable professional relationships more seriously than perhaps any other profession we know of.

Sums up Kane, "Lawyers need to see you're making an effort to understand them and their jobs. Networking is key. So is getting someone to introduce you into the firm. Don't pester them with cold calls. Find out who makes the real purchasing decisions. Take the marketing person out to lunch. Give the firm real information that helps lawyers better assist their clients. You'll end up having a much easier time selling your product to a firm that knows and respects you."

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