

# Innovative Marketing in Difficult Times

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## Setting the Stage

In early March, we would not have dreamed that we would have to adapt our business to a pandemic. Like everyone else, we suddenly found ourselves in a work-from-home world, beset by complications and emergencies.

After we got everything up and working (and that took a while), we began to focus on marketing, because that too needed to be reviewed and adapted to a new world.

## Ethics in this New World

Here in Virginia, we are fortunate that our marketing ethics rules were greatly simplified several years ago. We streamlined the regulation of lawyer advertising down to a single standard – is the advertising false or misleading? We eliminated the boilerplate disclaimer for advertising specific case results. But note well that specific case results may be misleading if they omit material facts or need to be put in context that is not misleading.

If you are not in Virginia, make sure you have read the ethics rules applicable to your state. Most states are not so simple or so liberal.

## COVID-19 and the Economy

It's been quite a roller coaster ride, hasn't it? The stock market surged, the stock market plummeted. Economic indicators looked pretty positive, economic indicators looked ominous.

Some law firms are hiring, some are firing. So-called "stealth lay-offs" are reputedly happening in BigLaw. Solo/small firm lawyers wonder if they can hang on. Who is up and who is down has a lot to do with a lawyer's area of practice. But it also has to do with the ability to assess what is and what is not working in terms of practicing law – and marketing. We changed how we practiced law when the pandemic struck – in ten weeks, we moved ahead ten years (hat tip to Clio CEO Jack Newton for that memorable line).

### How Do We Get and Keep Clients?

First, we don't throw away everything we knew about marketing before the pandemic. Relationships are still very important, but how to maintain them has changed.

Second, we look for new opportunities presented by the pandemic. It is an overused word, but we do in fact need to "pivot" and not remain chained to the past.

Third, we realize that marketing dollars are scarce for many, so marketing must be affordable.

Fourth, we acknowledge that if we are not as busy as we used to be, we have more time to market. If your workload has suffered, this is no time to let inertia set in.

### New Tools are Our Friends

The truth is that many lawyers, prior to the pandemic, were not doing electronic contracting, not videoconferencing, not collaborating with clients via secure client portals, etc. Some didn't allow credit card payments.

From the client point of view, this was very archaic. So many more clients are now being served in ways they wanted to be served. The big lesson for lawyers is to become increasingly client-centric.

Make it easy for clients to deal with you electronically from electronic signatures to electronic payments to collaborating securely online. Clients love that they can go to a client portal and see their invoices, pay their bills, and review their documents. Lawyers who cannot provide such services are far less appealing when prospective clients look for an attorney.

### 90% of credibility is VISIBILITY.

We have been saying that for a very long time, and it is no less true today, even though most marketing today is not in-person.

So how can you achieve that kind of visibility? Here is some of what we have done.

For years, we were reimbursed for travel to live conferences and paid honorariums. Once COVID-19 hit, we very quickly developed several CLEs related

to cybersecurity in a work-from-home world, lawyers wellness, defending and responding to ransomware, using Zoom securely and, yes, innovative marketing.

We marketed those webinars across the country to CLE coordinators, bar association executive directors etc. Did we ask for money? Nope. And to the credit of many bar associations, they wanted very much to offer free CLE to their members as a service.

As a result, they were thrilled to have veteran national speakers as guests and we've never looked back. Tens of thousands of lawyers have attended our webinars since March of 2020 – and it has proven to be a boon to business – we are very much “top of mind” when webinar attendees need managed cybersecurity or IT services – and digital forensics.

#### [Community Service is Marketing](#)

We have been devoted to serving our community for many years. Pre-pandemic, there were many live functions, runs for justice, CASA's Light of Hope celebration, and so many other things we attended and supported. Stressing that we would have been generous without any marketing benefit at all, we note cheerfully that people like to do business with good people.

So we have made a long list of donations this year, receiving a great deal of publicity in return. We have also attended various virtual functions – and don't suppose that people don't look and see who is there! While we don't get to see people as much as we would like, we are still listed as sponsors in many places and people do see us on Zoom. We also follow up with communications after virtual functions. Once again, we have “presence.”

#### [Books, Blogs, Articles and Podcasts](#)

To date, we have co-authored 18 books published by the American Bar Association and written hundreds of articles which have appeared in ABA publications and bar association publications across the country.

We have doubled down on writing timely articles which lawyers need to read during these difficult times. As a result, our writings have been published more than ever before. Our reputation has been enhanced nationally and we are once again top of mind when it comes to the services we provide.

In 2020, we saw a huge surge in people downloading our two podcasts, publishing our articles and following our blogs. While we understand that you can't do everything, you might consider whether you want to start a blog (don't let it molder though or you'll look worse) or begin writing articles for publication (on your website of course, but also send it to legal publishers).

Podcasts can be a bit trickier – self-produced podcasts are often amateurish. But if you find a legal focused podcast company (ours is Legal Talk Network), they do all the heavy lifting for you – and the result is that thousands of people are downloading your podcasts and listening to your extensive knowledge every month.

Remember our earlier remarks about the importance of visibility!

#### [Use Your Emotional Intelligence](#)

Most lawyers are very intelligent, but not always emotionally intelligent. In a time when lawyers are very apt to be stressed, anxious, etc., they sometimes forget that their clients and prospective clients are also having issues dealing with both the pandemic and possibly experiencing tough times financially.

Giving people a little extra time to talk about themselves is very helpful. We work hard (and even take notes) to ask how people and their families are doing. We reference what they told us the next time we talk. People remember when you remember.

We “listen more deeply” than ever and our personal relationships with clients have deepened as a result. Not only does this make your current clients happy, it makes them more likely to be a source of referrals. We tell our colleagues all the time that much of the secret to our success is that we REALLY LISTEN.

#### [Of Driveway and Deck Dinners](#)

Our driveway and deck dinners have perhaps been the most notable of our innovations. Since we could no longer safely network in-person, we invested in comfortable outdoor chairs, bistro lighting, patio heaters, lanterns, tents and canopies for bad weather, chafing dishes, disposable plates and utensils, and much more to allow for year-round dining with family, colleagues and friends.

Out of these dinners (and lunches) have come work opportunities, speaking opportunities, ideas for community service and other collaborations, etc.

Our safety protocols are strict and no one has become ill.

### Bring a Little Joy

Is joy a marketing tool? Absolutely. Breaking bread together, as above, has been a bonding experience. But we have also thinned our irises and shared them with others, mostly advertising the availability of the irises to our colleagues via social media. We have certainly used social media effectively to bring joy, to post useful information and to stay in touch with friends and colleagues.

We have distributed friendship bracelets made by one of our granddaughters and took (and posted) photos of folks wearing their bracelets. We advertised on social media that we had puzzles available for people to pick up. What were we going to do with the dozens of puzzles we had already done? We reached out via email to colleagues who were lonely or suffering mental health issues caused by the pandemic. We reached out to a number of people each week, simply to ask, “How are you doing?” Not only is that the right thing to do in these times, but people remember that you cared, never a bad thing.

And to cement staff unity during this time (which helps them be effective at marketing), we have had small groups of employees over for dinner outside and have a staff meeting every two weeks, exchanging shout-outs between employees to praise their colleagues, playing games and giving away cash prizes. There is no doubt in our minds that nurturing the morale of our team has also fueled their devotion to the company and helped ensure that clients are well cared for.

### Videoconferencing

Zoom has won the video conferencing war, by a lot. Not all the courts use it, but virtually everyone else does, especially clients/potential clients. 71% of lawyers are using Zoom regularly with clients and potential clients. Make sure you look good. Dress like a lawyer and be well groomed. Be careful of poor lighting. For about \$100 on Amazon, you can get a green screen, the frame, two lights and a carrying case. With a green screen, you can use a virtual background without that “wonky” look when you move your head.

It is far more effective to speak with potential clients via Zoom than by phone. Trust us.

## What Clients Want

Being client-centric has become more and more important, especially as you try to attract new clients. They want alternative fee arrangement and extended payment plans. Don't forget that you can arrange to have monthly installment payments automatically paid via credit card via your engagement agreement!

They also want to see innovation. For diehards that have refused to accept credit card payments, you are now seen as a dinosaur. Ditto if you don't do immediate electronic contracts. They want their lawyer NOW. If you want your client to sign NOW, do it electronically. DocuSign is our first choice of software to do that.

They appreciate client portals and case management systems generally. They want you to protect their confidential data and more and more potential clients are asking **how** you protect your data. Some want to know if you have had a security assessment done.

Yes, this is all about marketing.

## Don't Put All Your Eggs in One Basket!

Putting all your eggs in one basket is a mistake. Too many lawyers pay a fortune for SEO (search engine optimization) services for their website and most of that money is going down a rathole. Also true of buying Google AdWords. We have known a few attorneys who have been successful at this. Criminal attorneys, traffic violations attorneys and very specifically focused medmal attorneys come to mind.

We poured a lot of money and time down that rathole for many years and simply gave it up as having no ROI for us.

As we go on, we learn from our mistakes – and we measure everything in terms of its provable value!

## Videos

A little over half of people searching the internet use Google. Nearly as many search using YouTube. More and more, people want to get their information through videos. If you are not there, you are effectively missing out on about half of your prospective clients.

Is it expensive? It can be, but it doesn't have to be. When we do videos, we find someone that a colleague has recommended and buy a heavily discounted package of videos – perhaps 15-20 at a time. Remember that a goldfish has a greater attention span than humans – so limit your videos to a maximum of two minutes.

The true secret of getting folks to watch your video is to title it with a question that people are often asking when they search. Our most profitable video (by leagues) has been “Can you recover deleted texts from a cell phone?” And remember that YouTube is smart. It knows that “cell phone” and “smartphone” are synonymous. So are “lawyer” and “attorney.” So you don't have to worry about picking between word choices like those.

Make sure you embed the text of your script with your video for those who are deaf – and to increase the search engine optimization of your video!

[The Power of Reviews and Google My Business](#)

There are scads of attorneys who have not “claimed” their business on Google. Don't know how? Here you go:

<https://support.google.com/business/answer/2911778>

And why should you do this? Google My Business provides you with the ability to list your business location on Google Maps and local search results. You can display important information about your business, including the opening/closing times, contact details or a link to your website. And there are those invaluable five stars – it is critical that you have a four- or five-star listing. Consumers are religious about selecting attorneys or law firms based on those stars.

And of course, that same advice applies to Yelp or other review sites. In days of yore, people mostly came to lawyers because someone had given them your name as a reference. More often now, consumers will simply search online – and they are very likely to contact an attorney close to them, with the right area of practice and good reviews.

[Websites](#)

Keep your websites updated with fresh content. Old, tired sites will not serve you well. Are you fully open? Open by appointment during the pandemic? Is there a

special number to call – make sure that information is front and center on your home page.

According to the ABA's 2020 Legal Tech Survey, only 57% of solo lawyers have a website. In this new normal, where folks are looking for lawyers online, it is fatal not to have a website. Even if someone gave out your name as a reference, they are likely to look you up online, and if you don't have a website, you don't look like a "real" lawyer.

#### Final Words

A journey of 1000 miles begins with a single step. An old adage, but true. Far too often, we see lawyers "stuck" – they know they need to change, but not how, and they are unsure of priorities. The tech part of us wants to make sure you learn new tech, but the truth is that you also need to market in a new world.

One thing we know for sure. "In the middle of difficulty lies opportunity." A very smart man (Albert Einstein) was fond of saying that.

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