



1

Your Marketing Plan: Niche Marketing

The most important issue in choosing your marketing tools is appropriateness. There are so many outlets for your message that choosing where to spend your time and money can be a difficult decision. Your first instinct is likely to be to concentrate on digital marketing. But consider, who is your target? Are you a business-to-consumer (B2C) provider or business to business (B2B)? Both? The best way to reach elder law prospects is not the same way to reach banking executives. Whatever marketing tool you choose, make sure it is appropriate for you and for the recipient of the message.

Spend time thinking about exactly where you want to be in the short, medium, and long term, keeping in mind that circumstances may change along the way. Don't rush to begin a new marketing outreach without a well-thought-out plan.

Get input from all stakeholders, including staff. Staff may have the most valuable input about client needs and concerns.

Your lofty status can intimidate some clients—or maybe they don't want to pay for the time it takes to complain—but those clients will unload on the staff.



Marketing has its own often highly complex ethical rules. Electronic communications across state lines can trigger multiple states' rules, not all of which may be uniform. Check in with your state bar to make sure you are current on all the requirements, and include disclaimers as appropriate.

Define Your Niche

Decide on your practice's mission statement. Make sure everyone on your team knows it. This shouldn't be a word salad of jargon, but a specific goal. Herb Kelleher of Southwest Airlines was a master of this. The company's stated goal is to "provide cost-efficient transportation." If it doesn't fit in that narrow niche, it doesn't get implemented (which is why Southwest does not serve meals).

What do you believe? Say it clearly and say it often. Disdain corporate-speak. Stay away from the overused "solutions." Maybe your approach is, "You can beat this ticket," or "Without expert help, dads get a raw deal in court." Figure out your audience's hot button and fashion your appeal to your audience.

You can't begin to market if you don't know to whom to direct that marketing. If you are working to build up your existing practice, you should be able to describe your ideal client and how to reach that person. If you are a new graduate, you should research the need for your services before choosing a practice area. Antitrust may have fascinated you in law school, but that doesn't mean you can build a practice in that area. Or perhaps you are a seasoned practitioner who needs to shift to a more remunerative field.

Imagine the clients you want. Think about all their characteristics. Then figure out how to reach out to someone with those characteristics.

What are you really offering? Starbucks offers a place to hang out, not just a cup of coffee. Identify the persona, identify the persona's need, and then plan to communicate how you will fulfill that need. For example, maybe you are targeting married-with-children Gen Xers (the persona) who need peace of mind that in the event of their deaths their children will be cared for physically and financially by the right people. You can fulfill that need with an appropriate estate plan. Small business owners might need a succession plan for similar peace of mind.

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Large clients have diverse needs. Your plan might comprise ways to promote your specific skill set, while also presenting yourself as the problem-solver for that model client's other legal needs as well. For example, the risk manager at a hospital with a large self-insured retention may be handling cases arising from medical malpractice, workers compensation, and garden-variety employment issues, while a different hospital executive is in charge of Medicare and Medicaid compliance. Once you are working with one person in an organization, you want to position yourself to ask for a referral to a different manager who contracts for legal services. That person might be in the legal department. Set up your law firm team to anticipate a client's needs and show how you can make life easier for them. That's part of cross-selling (Chapter 10).

Consider how societal changes affect the market for legal services. The COVID-19 pandemic prompted some practitioners to concentrate on insurance coverage or bankruptcy. Areas such as privacy law and marijuana regulation didn't exist until relatively recently. Some niches such as personal injury have always been around and probably aren't going anywhere.

Amarket niche should be specific. Define your ideal client. Be specific as to the type of case this client will generate, case value, location, personal characteristics such as education or net worth, and referral potential. Once you can identify these characteristics, you can begin to define the best contact method.

Marketing to a niche includes figuring out the most appropriate way to reach that niche. It makes sense to plan outreach through both digital and non-digital media. It might seem like everyone has a smartphone glued to their ear. You will certainly plan how to reach those people. But also consider whether less affluent prospects have regular access to a computer. As a general rule, younger prospects prefer to connect electronically. Older prospects may prefer outreach via newspapers, print magazines, radio, and television. Traditional media also maintain a web presence; placing the same advertising content in media that maintain both traditional and digital outlets may be an economical choice. For example, you can run an ad in a print publication and on its website.

Women Rainmakers' Best Marketing Tips

Don't build your business where the highway is. Build your business where the highway is going.

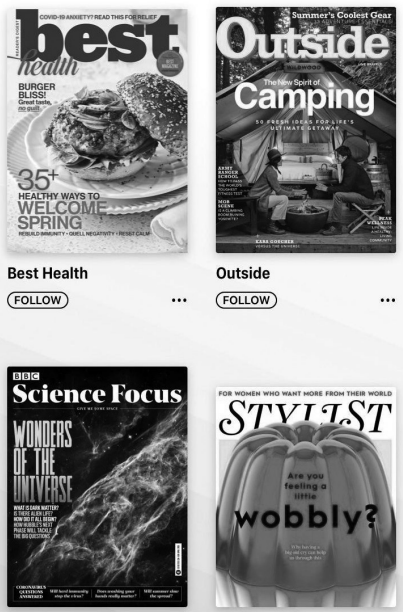
Don't try to be all things to all people. Clients aren't looking for generalists, they're looking for expertise in a specific practice area. Know your niche, and then market to it like crazy. The most successful lawyers are those who have built and have a reputation for a specific expertise.

Looking for a new practice area? Be open to new ideas. One way to find them is to peruse magazines you may have never looked at or even heard of. Apple News suggests "Recommended Issues" daily. Click on News+ and see even more. Kindle Notifications suggests magazines with highly targeted niches. Check out www.magazines.com. Have you ever read *Farm & Ranch Living*, *Horticulture*, *Clean Eating*, *Yachts*, or *Sports Collectors Digest*? Let your creativity be sparked by these unfamiliar topics. How might this demographic benefit from your legal expertise?

Maintain a global viewpoint. What trends may affect your practice? Being nimble enough to switch, say, from real estate deals to workouts and foreclosure prevention can sustain your practice through economic ups and downs. Keep an eye out for events and concerns that could affect your practice's viability or present new opportunities.

Every marketing plan should be based on a SWOT analysis: strengths and weaknesses within your practice, opportunities and threats that come from outside your practice.

Recommended Issues



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Strengths. Are you known for working in a specific area of law? Did you score a victory or give a speech that garnered favorable publicity? Do you have ties to a specific demographic group? Who are your industry and community contacts that form your network? If you want to dive into a new field, consider:

- Do you have the skills necessary to do the work successfully?
- Are there other fields that might be more profitable or desirable?
- Do you have a base of practice on which to build?
- Do you have contacts that might help you build a practice base in that area?
- Does this practice area offer relatively easy entry, or is it saturated?

Weaknesses. Maybe this is the opposite of your strengths, but not necessarily. Perhaps you have not been able to meet demand for certain types of services due to a lack of training or staff. There may be an aspect of your current practice that needs building up. Think creatively. A weakness may in fact point you to an opportunity.

Opportunities. Get your head out of the law books, and stay abreast of the general news. Any type of new development—good or bad—can provide the foundation for a new practice area. Prospective clients are looking for help setting up in new industries, such as alternative energy sources or a new video game platform or pursuing claims that arose from the latest natural disaster. Tax law is always changing. Get specific about how people will be affected. Can you earn a profit solving those issues? How would you reach that market? How can you become an expert on these issues? Look for continuing legal education (CLE) programs across the country for information about these or analogous topics to expedite getting up to speed. Once you have studied and analyzed and feel ready, fashion a message to convey urgency—why people should consult you now.

Threats. Threats can come from foreseen and unforeseen sources. If legislators are talking about a change in the law that will pull the rug out from under your practice (perhaps the end of private health insurance?), start planning early how you will use your expertise to segue to a new area. If economic conditions render your client base unable to pay your fees, consider how you can restructure your practice. For example, maybe your practice area lends

Women Rainmakers' Best Marketing Tips

itself to coaching clients to represent themselves. (Be sure to study the ethics and exposure of such a move.) Maybe you need to change from hourly to a different billing program, or perhaps switch sides from the people you have habitually represented. Perhaps it's time to learn a new practice area. Is the new firm in town snaring the lion's share of business in your practice area? Why are people going there, and how can you offer better value? You may even want to approach that firm about a merger while you remain in a strong position. Recognizing threats early and planning how to meet them can spell the difference between a thriving and a failing practice.

Change is constant, so review your SWOT analysis at least annually.

“First-mover advantage” describes the marketing head start gained by the first one ready to grab the affected market segment. Staying current on legal developments allows you to adjust your marketing plan quickly.

Early marketing triggers more publicity. For example, an article on your website about potential product liability exposed by new research (e.g., think of baby powder) will use the keywords that appear in web searches as people jump on the subject. CLE organizations may invite you to speak, further spotlighting your expertise. The press may call, but don't wait. Volunteer to speak on a local newscast about developments. The prerequisite to success as a first mover is to recognize the issue and actually become the expert by learning everything you can.

Keep track of new matters as they come in. You may think most of your business comes from a certain type of source, but with tracking, you may be surprised to learn that when you look at dollar amounts, it comes from another. Counting revenue is more important than counting the number of cases.

This one is hard. Get rid of clients who don't fit the plan. Maybe you're really busy, but your current work is not all that lucrative. Maybe you are unhappy doing that work. Or maybe you sense a new opportunity on the horizon, if only you had the time to pursue it.

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Bite the bullet. Stop accepting new work in that practice area. If possible, withdraw from cases in the undesirable area and refer those clients to lawyers who will be happy to handle them. Yes, your short-term income may take a hit. If you have a life partner, talk it over with that person. In the long run you will likely be happier and earn more money by segueing to where you want to be.

Sometimes you can shift to a lucrative practice by starting on the other side. For example, if you want to work in employment law, it may be easier to learn the area by doing plaintiff work with the help of an experienced co-counsel. With sufficient experience and expertise, you can market yourself on the management side.

Many lawyers, especially those new in practice, are reluctant to send many potential client away. That's a mistake. Take only the clients who fit your profile. Send all the others to other lawyers, and let them know what kind of clients you're looking for. The referrals you get back will more than compensate for those you sent.

Here is one tipster's view of the minimum Internet requirements for a B2C law practice:

- Web page (e.g., www.lawfirmname.com, www.smithjones.com (Chapter 3))
- Facebook page (Chapter 4)
- Desirable bare-bones extras:
 - Blog (Chapter 7)
 - Twitter feed (Chapter 4)
 - Multiple domains that capture likely searches that all land on the website (Chapter 3), such as www.JohnSmithattorney.com, www.WilliamJonesattorney.com, www.smithjoneslaw.com, www.smithjones.net, www.smithandjones.com

Learn All You Can

Maybe you feel your marketing skills need work. Some successful lawyers say they don't market. (They do. They just don't think of their activities as marketing.) Those people may not be much help. Law school may have taught you superior research skills, but provided no information on how to launch a practice. Thankfully, there is no lack of marketing information.

Do an Internet search for "attorney marketing" or "law firm marketing," and you may be overwhelmed. Scroll past the paid listings, and you will quickly find a ton of valuable information without even moving past the first page of results. Sure, most of the people publishing this information want to earn money by helping you market, and you may need to provide your e-mail address to get beyond the teasers. But actually, most of these experts are wondrously generous in sharing their advice. Consider creating a separate e-mail account to receive this information. Then, if you don't want to hear from these people again, unsubscribe. Or mark it as spam. When you review your junk folder before deleting, you can always choose to move that message back to the inbox.

Subscribe to attorney marketing newsletters.

Sign up to receive marketing tips from the American Bar Association (ABA) Practice Management Division at <https://www.americanbar.org/topics/lpm/>.

Searching "lawyer marketing" and "client development" on FindLaw's professional site, <https://lp.findlaw.com/>, brings you about a quarter million articles. Start from the "Search for Articles" tab or scroll down to the bottom to choose "On-Demand Webcasts" or "White Papers" under the Marketing Resources category. Add a keyword or two to the search if you're looking for advice on a narrow topic such as Facebook or direct mail.

Broaden Your Horizon

A search for “marketing for lawyers” brings up the sites of many experts sharing specialized wisdom for free. But don’t overlook general marketing information. You can adapt and shape the suggestions for your law practice. Search for “marketing books” to see the range of issues.

Bar associations and CLE organizations sell marketing publications specific to practice and geographic areas. Don’t overlook products published by the ABA; find them at <https://www.americanbar.org/products>.

Books about electronic marketing abound. Browse the local bookstore, and check out the ABA Law Practice Division bookstore at https://www.americanbar.org/groups/law_practice/.

Choose tools you’re comfortable with and plan to use them—every day.

Browse the marketing books in your library’s catalog, in the business section of a bookstore, or on the site of an online bookseller. Money-makers in industries beyond the law can provide a useful perspective.

Take marketing courses.

I have taken courses on public relations sponsored by a business magazine and a sales course given by a company that does mostly in-house courses for national sales staffs. I learned the nuts and bolts of how to deal with the press in the former. I learned important sales techniques for talking to clients in the latter. These included establishing preliminary rapport, overcoming objections, and handling complaints. In both places, I met new people, handed out cards, and made valuable business contacts.