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Attracting and Keeping Clients

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Rainmaking: Attracting and Keeping Clients

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Introduction

The ability to generate legal work is the foundation of any successful law practice. Without clients, there is simply no business to conduct. "Rainmaking" is the art of generating business and is primarily a function of the lawyer's known value to those in need of legal services. Success depends upon two factors: (1) the attorney's commitment to becoming valuable; and (2) the attorney's willingness and ability to demonstrate value.

First, and foremost, the attorney must be valuable. How valuable an attorney is depends upon the attorney's competence, capability, responsiveness, reliability and creativity. These traits make up the attorney's reputation, and reputation is the backdrop against which all rainmaking occurs. Only after an attorney is valuable can the attorney demonstrate value, and successful rainmaking requires both.

Demonstrating value is the art of exemplifying why potential clients should hire the attorney and why referral sources should find the attorney trustworthy. Some label this art "marketing". Regardless of its title, its success depends upon strategy and a comprehensive approach. The key is to recognize the need to "prime the pump" and to avoid wasted moves.

To make rain, the atmospheric conditions must be right in four co-existing climates: (1) attracting the client; (2) signing the client; (3) keeping the client; and (4) retaining the client after the representation concludes.

Attracting the Client

The first step in producing rain is attracting clients. To maximize the likelihood of attracting clients, the attorney should determine the ideal type of client to be attracted. Determining an ideal type depends upon the attorney's area of legal expertise and the type of legal service the attorney intends to provide. The attorney should decide the type of legal work s/he is good at and determine what types of challenges inspire and satisfy the attorney's need to help others.

Once these decisions are made, the next step is to learn as much about the ideal type as possible in order to formulate a strategy of attracting that type of client. The attorney must determine where the ideal type is most likely to look for an attorney and upon what information that type is most likely to form an opinion.

Traditional marketing involves cultivation of clients through one or both of referral sources/networking and/or advertising. Networking is simply the process of people interacting, bonding and, in the process, discovering each other's interests and strengths. It typically includes active involvement in one or more

bar associations, continuing legal education presentations, committees or community activities, organizations or boards. Potential referral sources ultimately include all of the attorney's family, friends and acquaintances -- social and business/professional. Past and present clients are a particularly important referral source. Also, depending upon the attorney's practice area, court appointments may be available once the attorney has been approved for assuming such responsibilities. Of course, the Court itself is a potential referral source, and few things are as gratifying professionally as receiving a client referral from a respected judge.

Advertising is another method of demonstrating value and is most effective when the message to be communicated is narrowly crafted, recognizable and repeated frequently. Ultimately, in addition to meeting interesting people, the purpose of networking and advertising is to increase the universe of situations likely to yield potential clients.

Generating referrals from other attorneys generally involves two scenarios. The first situation involves an attorney who has been contacted by a person or entity in need of legal services that the referring attorney has decided not to provide. Typically, this scenario presents when the necessary legal services are outside the scope of the referring attorney's interest, availability or expertise. Nonetheless, the referring attorney may want to stay involved in the representation, while expecting the performing attorney to take the lead in delivering the needed services. Here, it is important to openly discuss the referring attorney's expectation in the relationship so they may agree upon a fee-split arrangement consistent with the distribution of responsibility and risk. Whether or not the referring attorney wishes to remain involved in the case, the performing attorney should be sure to thank the referring attorney and to make a note of the referring attorney's area of practice in order to reciprocate.

The second scenario involves the referring attorney having a conflict of interest regarding a particular situation or need of his/her existing client. In this scenario, it is extremely important for the attorney performing the legal services to satisfy the referring attorney that the performing attorney understands that s/he is being called upon to serve the client for the particular matter at hand only. Similarly, the performing attorney should ensure the existing client understands this as well.

Referrals are primarily generated by "word of mouth" based upon the performing attorney's past achievement. However, while most referrals are made based upon the performing attorney's perceived value (based upon reputation), occasionally a referral is made because the referring attorney expects something (other than a job well done for the client) in return from the performing attorney. When the performing attorney senses such a situation, s/he should consider the expected cost of accepting the referral before deciding to do so.

Advertising presents numerous options and most commonly appears on business cards, brochures, newsletters, telephone books, legal directories, publications, the internet, a website and even on television. Threshold determinations include budget and message platform. Before advertising in any form, however, the attorney should carefully study all governing rules and ensure compliance. In print advertising, location, size and color matter.

A rapidly growing trend in legal advertising is office websites. Driving clients to the web page is the key to success, along with the creative design genius, ease of use and informative nature of the web page itself. Impressive web pages include features such as attorney, staff and office photographs, articles about

the attorney's successes and achievement, professional publications authored by the attorney, links to related sites on the information highway and a commitment to keeping the page updated, novel and informative.

Signing the Client: The Initial Interview

Attracting the client is just the beginning. The second -- and critical -- step in producing rain is signing the client. All the resources expended in getting the client through the door are invested for one primary reason: the initial interview. Most new clients are understandably uneasy about the prospective of trusting a stranger with their confidential, highly sensitive and extremely important personal and business affairs. The attorney's challenge -- in a relatively short period of time -- is to foster a relationship of trust and an environment of credibility.

Creating this environment begins with fundamental good manners and requires the attorney to be sincerely empathetic to the potential client's plight. It is critical for the attorney to exude an attitude of being more interested in understanding and resolving the potential client's problem than in obtaining a signature on an attorney fee agreement. While doing so, the attorney must subtly demonstrate legal expertise while anticipating the potential client's questions and concerns. Achieving this atmosphere requires striking a healthy balance between speaking and listening.

In addition, the attorney should stress the office's commitment to personal service and demonstrate an understanding of the importance to the client -- and to the ultimate quality and success of the representation -- of keeping the client informed and of affording them the opportunity for meaningful input. The client will be impressed to discover the attorney recognizes the importance of a healthy partnership between the attorney and the client. One sure way to alienate a potential client is to send the message that, if hired, the attorney will expect the client to remain uninvolved unless called upon by the attorney. Instead, the attorney should illustrate a genuine commitment to active client involvement by stressing that the client will be copied on all correspondence or otherwise informed of each development. The attorney should explain the reason for this is two-fold: (1) to ensure the client always knows what is happening in their case; and (2) to ensure, as the client sees what is happening in their case, the client is given a timely opportunity to seek clarifications, to ask questions and to offer input.

As well as demonstrating a commitment to keeping the potential client informed and to affording them opportunities for meaningful, on-going input, the attorney should provide the client with an overview of the steps involved in pursuing their legal rights. Discussion of the various stages of pursuing the claim should include a likely timeline and should expand on those stages that will have a tendency to unnerve the client (e.g. responding to discovery requests, being deposed, and the prospect of participating in alternative dispute resolution).

After gaining rapport with the potential client, the attorney should segue into educating the potential client how they would be well served to hire a lawyer who specializes in the relevant area of law needed to successfully address the potential client's problem. If an attorney is merited -- given the potential client's situation -- the attorney should be sure to inform the client that, indeed, the client has a good faith basis to pursue a claim.

The attorney should then go on to thoroughly explain, in clearly understandable terms, the cost of pursuing those legal rights. For example, in a plaintiff's personal injury case, the client should be advised there are two costs to pursuing their claim: the attorney fee and the expenses. It is critical to establishing credibility and to gaining trust to address head-on the arrangement under which the attorney is willing to represent the potential client. Doing so gives the potential client a fair opportunity -- up front -- to ask questions and to seek clarifications. The attorney-client relationship can thrive only after a mutual commitment to full disclosure concerning every aspect of the representation. Where an attorney fee contract is presented for signature at the initial interview, the attorney should read through the entire contract with the client, pausing where necessary to ensure a meeting of the minds.

Where possible, the attorney should strive to hold the initial interview in a physically impressive location. Toward this end, the attorney should ensure that at least one room in their office exudes the attorney's past success. Such an environment will go a long way to sending a message to the potential client that the attorney is capable of handling the potential legal matter and is most worthy of the potential client's trust.

As with all relationships, the attorney must be mindful that s/he will never get a second chance to make a first impression. And, in generating legal business, it is critical for the first impression be an honest reflection of the attorney's value.

Keeping the Client

By now, the central message is emerging: generating business is about building meaningful relationships with a variety of people in a diverse array of settings. From these relationships come the opportunities to demonstrate value. Known value is the centrifugal force that churns new clients.

The best way for an attorney to create known value is to service the clients s/he already has. Servicing clients starts with being accessible. It has been said that when momma is happy, everyone is happy. So it is with clients. Happy clients make for winning cases. Accordingly, the attorney must strive to keep the client satisfied. Doing so requires the attorney to be sensitive to the client's developing plight in order to anticipate potential questions, concerns and needs -- before they arise. And, when the client does inquire, the attorney must respond quickly, thoroughly and accurately.

Proactivity is the ounce of prevention able to avoid the need for cure. The attorney should advise the client of all developments in their case in a timely fashion. Advising them includes ensuring the client thoroughly understands the development, their options, a recommended plan of action and the next step. This includes preparing the client to successfully handle each situation requiring the client's participation. Of course, such situations vary with the nature of the legal issues, but may include discovery review and response, the client's deposition, presenting and considering formal offers of settlement, medical examinations, mediation, arbitration and trial.

Clients are especially impressed when, for seemingly no reason at all, the attorney inquires how the client is doing and whether they need anything. This inquiry may be in the form of a letter, a telephone call, an email message or even a quarterly Confidential Report of Client to Attorney for completion.

Another key to client satisfaction is the attorney's ambition and efficiency. These traits will ensure the legal matter is resolved as quickly as possible. Swift resolution, to the extent possible, is of great

importance to the client. The sooner the client's case is resolved, the sooner s/he can experience closure, thereby potentially reducing their stress and "freeing" them to move forward with their life.

Retaining the Client After the Representation

The reason why the attorney must work so hard to attract, to sign and to keep the client satisfied is to achieve the ultimate goal of the legal representation: leaving the client ecstatic. Ecstatic clients are staunchly loyal and constitute the single-most effective billboards imaginable. Their emotionally moving testimonials will naturally find themselves into conversational nooks and crannies in which the attorney will otherwise never appear.

Leaving the client ecstatic also facilitates staying in touch with the client on an on-going basis. In turn, staying in touch promotes the opportunity for the attorney and the client to continue to grow and, in doing so, also facilitates future referrals. The bond that develops between an attorney and his/her client over time is deep -- and lasting! The terrain traversed together is titanic! But the journey cannot begin until the attorney and client intersect. And, for the attorney, the only thing more rewarding than seeing a smile on the client's face is knowing who put it there and, eventually, what comes of it.