



BEFORE CLIENT INTAKE – SHOULD THIS BE YOUR NEXT CLIENT?

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This article is not about the actual client intake process. I already covered that topic in the December 5, 2005 issue of [The Pennsylvania Bar News](#) in an article entitled "Client Intake Best Practices." Rather, this article will revisit and elaborate on a topic originally discussed in the October 7, 2002 issue of [The Pennsylvania Bar News](#) in an article titled "Declining and Firing Clients" [For a copy of any referenced article send an email request to lawpractice@pabar.org, citing the title.]

A recent discussion on the Solo & Small Firm Section (SSFS) Listserv prompted my return to this topic. I polled members about what they would do differently if they were starting their practice today, given what they've learned along the way. A common comment was about being more discerning with regard to which prospects became clients.

Unless you are in the enviable position of having a consistently high level of client demand which exceeds your capacity, you have no doubt taken on questionable clients, some with matters in unfamiliar practice areas, just to put more work in the pipeline. None of your colleagues will judge you harshly for doing so; they're almost all guilty of doing the same at some point in their career, with many still doing so. But is it the right thing to do?

The simple answer is NO. SSFS members shared stories of disconnects between workload and profitability, lessened satisfaction from their work, bad receivables, increased stress, and in some cases, bad word-of-mouth and/or a malpractice claim. Don't think this applies just to solo or small firm attorneys. At the recent ABA National Legal Malpractice Conference in Boston, attorneys with heavyweight carriers Hartford Financial Services Group, CNA Financial Corp, and Swiss Re pointed out the importance of defining the right client for you, and staying within that focus.

New York City probate and estate administration attorney Barry Seidel discussed this in his blog post "Are you Getting Good Cases for YOU?" It's one of those common sense writings which just seem to speak to you. He states "It's not

enough to be busy. If you want to be *successful*, you must be marketing (and be prepared to work on) the good cases for YOU."

The obvious point is that you need to know what the good cases are for you. Or, as I often ask attorneys, "What do you want to be when you grow up as a lawyer?" Many of you reading this have established your legal identity or "niche," but you can no doubt remember a time when that was not the case.

If you have not yet answered this question for yourself, consider it the first essential step in building a successful practice. Get yourself into a good environment for thinking. A relaxed environment with minimal distraction is called for. We're all different, so the location could be a blanket on the beach, your patio, the golf course, the hot tub, digging in the dirt in the garden, or taking a Sunday drive. Settle in and ask yourself some questions, including

- what types of matters -- areas of practice - do I want to do the most?
- what cases will earn me the money I want?
- what are the characteristics of a client I would want to represent?
- do I want to be intensely involved in matters, or do I want to build a well-oiled machine to get the work done while I focus on rainmaking or personal pursuits?

My Godson graduated law school and entered the profession during the height of the recession. Like so many others in his class, he was forced to hang out a shingle when no job opportunities were available. It has taken him a few years to finally answer these questions. I knew it was accomplished when he was finally able to define himself and his practice as a lawyer in about 30 seconds -- the "elevator speech" -- and focus to how to specifically target the clients who fit his "desired client" profile, rather than just "find business." I know he is now on the path to building a successful practice.

Let me assure you that this is not just a process for new attorneys. I recently met with a solo who has been in practice over 20 years, struggling to earn a living wage. He had never asked himself these questions, or created his vision of a successful practice and the profile of a desirable client. After being assisted in this process, he is ready to apply some focus to his marketing efforts.

As Seidel says in his post, "If someone's law office is not busy, they have something the busy do not have. Time." Rather than try to fill your time with work which is less desirable and barely profitable, which then robs you of the time to



market to a more desirable clientele, invest the time wisely by focusing your aim. Turn away those clients and matters which do not fit your vision. Yes, turn them away. You will ultimately have a more profitable and professionally satisfying practice if you do.

Yes, you have to pay the bills. But taking on questionable clients will probably only build your receivables, distract you from building your expertise, and deprive you of time to market. So while you may think that you're being irresponsible if you *don't* take in anything that comes in the door, you are actually helping yourself be more successful by discriminating more regarding intake.

I don't have to tell you that competition for work nowadays is steep. For that reason alone it's essential that you define your practice focus and ideal client before you begin to market your services. You will need to create as many as 15 - 20 quality "touches" to turn a stranger into a prospect, and then into a client. Scattergun marketing doesn't work any more. You need laser focus. Your time is limited, and you need to maximize the return on your investment.

For example, education-based marketing is still one of the most successful marketing strategies. But I urge attorneys not to use this opportunity to train their competition. Unless you need to invest time in reputation building among your colleagues, you are better off teaching non-competitive lawyers a little about your practice area. Not enough to actually become your competitor; that defeats the purpose. Rather, enough for them to identify the risks of dabbling, know at a minimum what they should do for the client, and most importantly, know when they've reached a danger point where the matter should be referred to someone with greater skill and experience -- hopefully you! It's about creating a "call to action" in their mind.

The best use of time invested in education-based marketing involves presenting directly to prospective clients and referral sources. It's a lot easier to decide what to present and who to invite when you have a clear picture of the ideal client in your mind. Consider teaming up with a professional who is also seeking that client. For example, depending on practice area, you may want to co-present with a CPA, financial advisor, insurance agent, real estate broker, social worker, and so forth.

Let me stop here, because this is not an article about marketing know-how. I give these couple of examples just to illustrate the difference a focus makes in marketing efforts. If you haven't yet created the vision of your practice, or identified your ideal clients, do it. I am here to assist if you want to talk through



some ideas. If you have gotten past that and want to identify some marketing strategies, I can also assist. Put your dues dollars to work!

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