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# A Guide to Business Development for Women Lawyers

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# **1. Introduction**

## **Who this guide is for**

The Law Society of British Columbia's Justicia Project is a precedent-setting project designed to promote the retention and advancement of women lawyers in private practice. Originating in Ontario, the project has made its way across the country and into BC. The Justicia Project has identified business development as an area that is critical to the advancement of women in the law. This guide is intended to be a practical resource for women and law firms. In it we have compiled numerous business development strategies designed specifically for the needs of women lawyers in private practice. We have consulted the existing literature, drawn upon interviews with women who have excelled in the area of business development, and used our own experience to create what we hope will be a useful and relevant resource.

This guide is intended for women who want to improve their business development skills and a resource for lawyers who mentor women. It is also a guide for law firms who want to understand how to better support and retain women lawyers. The strategies outlined are designed to be implemented in firms of varying sizes and in different geographic regions throughout BC.

## **The importance of business development for women lawyers**

The ability to market oneself is an essential skill for any lawyer in private practice. It is not enough to be intelligent and hardworking; in order to be successful, lawyers must also create a personal brand and learn how to generate new client business and ensure an ongoing flow of business from such clients. Law firms cannot exist without clients, and most firms handsomely reward those lawyers who generate business for the firm. The competitive nature of the legal market today means that it is increasingly important for all lawyers to focus on business development at every stage of their careers.

Most lawyers and many law firms understand the reality that it takes more than being a great lawyer to be successful. Yet, many firms still underemphasize the importance of honing business development skills from an early stage in your career. The result is that associates who do not early on learn the importance of developing client business struggle to become partners as this is often a prerequisite for partnership. In firms where this is not a prerequisite to partnership, such new partners are left without the necessary skill set to taken on the new responsibility for generating new work. In *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset*, Jennifer Overhaus describes observing a phenomenon in which the billable hours of new partners decrease dramatically

soon after they make partner, as other partners choose to delegate their client work to less expensive associates, leaving a hole in the new partner's billable hour stream. Unfortunately some lawyers never recover from this dip and end up leaving the firm after only a couple years as a partner.<sup>1</sup>

It is important for all lawyers, even the newest associates, to engage in business development activities. As an associate, beginning to develop a client base will inevitably help speed advancement within the firm. Associates should maintain their network of friends and professional relationships, even if those relationships do not currently seem like they may result in work or referrals. The transition from associate to partner will be smoother for those who have already begun to build up a book of business. In some firms, the move from an associate to a partner *requires* an established book of business. Most law firms expect partners to maintain a book of business sizeable enough to generate work for themselves and others. Many larger firms now have "non-equity" partnership categories for newer partners, to give them time to grow their book of business to a size that is required to become an equity partner.

Throughout the project, Member firms canvassed their clients to understand what is most critical to them in their selection of external counsel. Overwhelmingly, clients emphasize the importance of getting to know individual lawyers. Positive character traits (such as intellectual horsepower, approach, organizational skills, responsiveness etc.) and a lawyer's knowledge of an industry or area of law were highlighted as important selection criteria. In other words, beyond the impression clients may have of a particular firm, they are still heavily influenced by the personal engagement and affiliations they have with individual lawyers within that firm. Clients may gravitate towards a firm for their broad market reputation but in most cases will select and retain specific lawyers based on, not only expertise but more subjective criteria such as the personal relationship the client has with the lawyers working on that client's file.

While firm-led marketing programs may provide a foundation to business development, every lawyer who hopes to build a profitable and sustainable business practice should become active and visible in the market in their own right. The personal efforts you make to define, develop and grow your practice throughout your career will be essential to long term success.

Business development can be a source of great personal and professional rewards. Having a client base means having more freedom to manage your own practice.<sup>2</sup> You will be able to

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<sup>1</sup> Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career-Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London, England: ProvechZiel Ltd, 2009) at 9.

<sup>2</sup> Theda C Snyder, *Women Rainmakers' Best Marketing Tips 2<sup>nd</sup> edition* (American Bar Association, 2010) at v.

control your own workflow and the types of files and projects you work on since you will not depend on others for work allocation. Additionally, the ability to generate work can give you leverage to negotiate for the things you want, be it a committee seat or a change to the firm's policies.<sup>3</sup> It also brings financial rewards. In many firms, compensation of equity partners is based at least partially on the size of one's book of business. All of these advantages contribute to greater career satisfaction.

## What is business development?

At its most basic, business development is about creating and nurturing relationships. It requires creating a personal brand and a marketing plan in order to build up a professional network. A business development strategy is a long-term strategic approach that enables you to make connections and develop authentic relationships with current and prospective clients so that you can ask for business in the right ways at the right times.

Tracy LaLonde, a partner at Akina Corporation, explains that business development grows out of two key concepts: (1) developing authentic relationships (2) so that you can solve people's problems.<sup>4</sup> Business development is about more than pitching your services to potential clients. In fact, aggressive pitching can be counterproductive if the authentic relationship is not yet in place. Similarly, Overhaus explains that strong professional relationships are built up gradually, and they can develop in any number of ways.<sup>5</sup>

Ultimately, you cannot assume that anyone is going to hand you the clients you need to build up your practice; however, with planning and determination, anyone can succeed at business development. The most successful rainmakers have no greater talent for "sales" than anyone else, but they are proficient at connecting with people, and they understand how to turn relationships into business.<sup>6</sup> Selling yourself successfully does not depend on charisma or on having a certain personality type, but it may require that you develop some new skills in addition to the technical legal ability that you have already worked so hard at perfecting.

Anyone can acquire the skills to be successful at business development. Even if you dislike networking and self-promotion, you can still market yourself in ways that suit your personality. The business development strategy that you pursue should fit with your values and reflect who

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<sup>3</sup> Ida Abbott, *Women on Top: The Woman's Guide to Leadership and Power in Law Firms* (Thomson Reuters, 2010) at 67.

<sup>4</sup> Tracy Lalonde, "Coaching Your Lawyers in Business Development" *ALI-ABA Live Video Webcast* (January 24, 2012).

<sup>5</sup> *Supra* note 1 at 123.

<sup>6</sup> *Ibid.* at 193.

you are. Choose business development activities that play to your strengths. For instance, if you dislike making small-talk at formal networking events, but are comfortable behind a podium, you might decide to make public speaking a core element of your marketing plan. Writing and publishing can be effective ways of raising your profile, too. Other lawyers find one-on-one coffee and lunch meetings to be very effective

Each lawyer will have her own business development strategy that is uniquely suited to her strengths and personality-type. The focus of your business development efforts will also depend on what stage you are at in your career. At the junior level, business development is about maintaining relationships with your current network, skills development and establishing a reputation for good work and dependability that will lead to repeat work referrals. It is also about maintaining relationships with your external business and professional networks and building relationships with client representatives at your level. At the mid-level, it is about focusing on building new relationships in a clear target market and maintaining existing relationships.<sup>7</sup>

## **Why women succeed at business development**

Business development is neither masculine nor feminine. Successful business development requires behaviours that are stereotypically male as well as behaviours that are typically seen as female. “Strong business developers naturally combine the ‘feminine’ behaviors of being empathic and asking open-ended questions with the ‘masculine’ behaviors of confidence and self-promotion.”<sup>8</sup> Women are often thought to be skilled at interpersonal relationships. Additionally, women tend to be perceived as more trustworthy than men, and trust is essential to obtaining client business. As a woman, it may be easier for you to establish that relationship of trust with clients.

Your gender may even be an advantage that helps you stand out as unique in a sea of male lawyers. Increasingly, the in-house counsel and businesspersons who make up law firms’ client base are women. Women clients may prefer to take their business to firms that promote women lawyers. If your gender helps you get your foot in the door, take the opportunity and use it to your advantage. For instance, you may be invited to attend a sales pitch because your firm wants to include a woman on the team. If this is the case, it may be a mutually beneficial arrangement both for you and your firm. Once you are on the team, you can show them that

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<sup>7</sup> *Supra* note 4.

<sup>8</sup> K Brady, “Marketing and Client Development Activities” *Law Practice Today* (February 2009) online: <<http://apps.americanbar.org/lpm/lpt/articles/mkt04091.shtml>>.

they were wise to include you by demonstrating your superior legal, problem solving and relationship building skills.

*Nothing beats the power and autonomy of your own robust book of business. . . .  
Don't be afraid to chart your own course.*

*-Nicole Garton, Lawyer and Mediator, Heritage Law*

## **2. Business Development Challenges for Women**

While women can possess unique advantages for business development, they may also encounter some common challenges. Some of the most common difficulties women face in obtaining client business are addressed in this section.

### **Self-promotion**

Some women feel uncomfortable talking to others about their skills and achievements. Women may be socialized from a young age to project modesty rather than confidence. Some women may believe that their achievements are not impressive enough to be worth talking about. Imposter syndrome, the belief that you do not deserve the successes you have achieved, affects both men and women, but it is thought to be especially common among successful female professionals.

*[Don't be afraid to fake it until you make it.] Read Lean In and put your hand up.*

*-Nicole Garton, Lawyer and Mediator, Heritage Law*

### **The “ask”**

If the thought of calling someone to ask for work makes your heart pound, you are not alone. Many successful rainmakers agree that asking for business is one of the hardest parts of a lawyer's job.<sup>9</sup> Even so, asking for work is crucial. You may have an impressive network and be highly proficient at developing relationships, but it won't serve you well if you never ask for business. The “ask” is how you convert your network of contacts into clients. People will never know that you want their business unless you tell them.

*My observation is that men find it easier to ask for work and to market themselves. I think that some of the social conditioning we get as girls and women causes many women to feel uncomfortable with the idea of business development. The direct and indirect messages we get discourage us from being assertive, drawing attention to ourselves, promoting ourselves, etc. usually*

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<sup>9</sup> *Supra* note 2 at 115.



*means that business development appears counter intuitive, or downright unpleasant.*

*-Nicole Byres, Q.C., Partner, Miller Thomson LLP*

## Time

All lawyers are busy people, and women are often the busiest of all. After juggling the needs of the clients and all the other demands on their time, many women realize that they have limited time left over for business development.

*Ask any working professional mother, and if she's honest she'll admit that balance is an illusion and moments of calm are punctuated by moments of futility. Embrace the challenge and don't expect it to be easy. Nothing worth having ever is.*

*-Nicole Garton, Lawyer and Mediator, Heritage Law*

Sacrificing business development in order to have enough time for other activities would be a mistake, however. Busy lawyers who want to build successful and profitable practices must carefully evaluate how they spend their time in order to avoid low-value work and focus instead on the activities that will lead to the highest returns. Business development is high-value work and should be prioritized accordingly.

*I'm not sure I can use the word 'balanced' as that would imply that everything I do is planned out and executed in correct proportions. I prefer the term "juggle". I think that the most important thing is to recognise that business development is really important and that after a few years of practise you have to turn your mind to business development: what short and long term strategies will you employ, and mapping out a timetable or plan for executing your strategy. Since there will always be more work and personal commitments to fill your day, you have to consciously plan and set aside time to do this.*

*-Nicole Byres, Q.C., Partner, Miller Thomson LLP*

## Converting personal relationships into professional relationships

Some women may have a large network of personal friends, but they do not make use of those friends as professional contacts, either because they do not know how to, or they do not feel comfortable doing so. In general, women may be less likely than men to see their friends as potential clients or referral sources.

*Women are often less comfortable asking for work after building a relationship, and men may ask for work before first building the relationship. To be effective, both are important.*

*-Lisa Vogt, Q.C., Partner, McCarthy Tétrault LLP*

## **Traditional networking**

For many people, the archetypical client development activity is still men on the golf course or at a baseball game. Some women may avoid business development activities such as these because they do not feel at ease in these traditionally male environments. A further challenge is that traditional networking activities normally take place on evenings or weekends, when lawyers may hope to spend time with friends and family.

*Ultimately, quality of service, commitment and loyalty to our clients are key regardless of gender. It is sometimes more difficult for women when the relationship development efforts focus on golf or poker games, particularly if the client is male; but there are alternative activities, that may be family oriented, that work well with such clients. As well, many in-house counsel are now women, and so the opportunities are greater than ever before to connect socially with female clients.*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

## **Less access to male power brokers**

At a junior level, women may assume that it is not worthwhile to engage in business development activities if they do not have access to influential people. They may feel uncomfortable networking with more senior lawyers, many of whom are men. However, the reality is shifting as more and more women leave private practice in favour of general counsel and in-house positions.

*Most of the clients that I reach out to are corporations, capital providers and entrepreneurs and most in senior positions with those organizations are men. In the last 3-5 years though, I have started to see a shift to working with more women who are in senior positions, are in GC or other senior in house positions and otherwise responsible for retaining lawyers. That is a tremendously positive shift, and one that I believe is the single most important change that will have long term positive effects for women in private practice. Initially, as those numbers change, it means that more senior lawyers will realize that they should be adding women lawyers to client teams "to reflect the client".*

*-Valerie Mann, Managing Partner, Lawson Lundell LLP*

### **3. Elements of Business Development Success**

#### **Self-promotion**

Getting the recognition that you deserve requires making sure that the right people hear about your achievements. Catalyst research has found that women who did more to make their achievements known advanced more, were more satisfied with their careers, and had greater compensation growth.<sup>10</sup> Don't assume that high-quality work will speak for itself. In order to win clients and generate business, it is important to talk to people about your successes.

*I think it takes a little longer for women to find their own voice. It also is not a natural inclination for women to self-promote. I know when one of my male colleagues has been working on a significant (or even not so significant) transaction or trial. I know because they tell me or they tell 10 other people who tell me. I don't hear that from women. In fact, I often have to seek out that information just so that I can congratulate them on a job well done. It is important for firms to celebrate success of women in the firm and to promote that success internally. If you are too shy or reserved to promote your own success, then find someone like a practice group leader, mentor or managing partner to do it for you.*

*-Valerie Mann, Managing Partner, Lawson Lundell LLP*

Many women are uncomfortable with self-promotion. They tend to attribute their success to other people rather than taking the credit they deserve, or they avoid taking credit for fear of being seen as showing off. However, with well-developed interpersonal skills, it is possible to talk about one's achievements without alienating others.

#### ***Tips for effective self-promotion***

**Write down your achievements.** By identifying and recording your achievements you will be able to easily convey the information that you want known about yourself. See Appendix 1 for a 12-question self-evaluation that you can use to map out your skills and achievements. Developed by communication consultant Peggy Klaus, the questionnaire is also available online at [www.bragbetter.com](http://www.bragbetter.com).<sup>11</sup>

**Take advantage of informal opportunities to talk about your accomplishments.** When a client asks you what is new, be prepared with a response. During

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<sup>10</sup> Christine Silva & Nancy Carter, "Women Don't Go After the Big Jobs with Gusto: True or False?" *Harvard Business Review* (13 October 2011) online: < [http://blogs.hbr.org/cs/2011/10/women\\_dont\\_go\\_after\\_the\\_big\\_jo.html](http://blogs.hbr.org/cs/2011/10/women_dont_go_after_the_big_jo.html) >.

<sup>11</sup> Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc, 2003) at 22.

meetings, highlight your accomplishments in subtle ways, always making sure to pay attention to your audience and be respectful of your listener's time.

**Never downplay your successes.** If someone gives you a compliment, thank them. Don't minimize your achievements by saying, "Oh, it was no big deal. I had a lot of help."

**Promote others and give compliments.** People will likely return the favour. Consider teaming up with a colleague and agreeing to support each other by making sure that the right people hear about each other's professional successes.<sup>12</sup> However, don't rely entirely on other people to promote you. Klaus cautions that while it is worthwhile to advocate for other people, you must also be an advocate for yourself.<sup>13</sup>

**Get a sponsor.** A sponsor is a senior individual who uses his or her clout to champion your advancement. You can attract the attention of potential sponsors by doing excellent work, then ask them to help you make sure that the right people hear about your accomplishments.

*Very few women were doing corporate/commercial law at a high level when I started. We often got mistaken for the "secretary". Smile and carry on – they will figure it out. A sense of humour takes you a long way. Don't look for issues, look for solutions.*

*-Anne M. Stewart, Q.C., Partner, Blake, Cassels & Graydon LLP*

## Developing a personal brand

*Be strategic about your brand – consider what special attributes or strengths you can market or which will differentiate you and what you can offer, from other lawyers in your area. Identify your preferred sector or type of potential clients and then look for ways to meet or get in front of them.*

*-Nicole Byres, Q.C., Partner, Miller Thomson LLP*

Establishing a personal brand is an important part of self-promotion. A brand is what differentiates you from other men and women who offer the same services you do.<sup>14</sup> You already have a personal brand – your brand is defined by the qualities that people think of when they think of you. Be strategic about developing your brand so that your brand sends the message that you want to convey.

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<sup>12</sup> Susan Van Dyke, "Women lawyers, business development and hockey" Canadian Bar Association Practice Link (July 2010) online: <[http://www.cba.org/CBA/practicelink/careerbuilders\\_advancement/women.aspx](http://www.cba.org/CBA/practicelink/careerbuilders_advancement/women.aspx)>.

<sup>13</sup> *Supra* note 13 at 11.

<sup>14</sup> Ajay K Sirsi, *Marketing: A Roadmap to Success* (Toronto: Pearson Education Canada, 2010) at 88.

### **Steps for developing a personal brand**

**Determine what your brand is currently.** Conduct a self-analysis, and ask yourself how others might see you.<sup>15</sup>

**Decide what your ideal brand would be.** How do you want your clients or colleagues to describe you to others? Start by answering the following questions for yourself<sup>16</sup>

- Who are you?
- What is your skill?
- What do you promise to deliver?
- How will you add value?
- What is your experience and record?

**Create an individual brand message.** Sometimes called an “elevator speech” your brand message is a short statement that encapsulates who you are and what you do. It should incorporate your strengths, talents, and skills. It should not sound like a recitation of your resume.<sup>17</sup>

## **Best practice: career coaching**

Career coaching is an emerging best practice in law firms. Organizations committed to retaining and advancing women are putting in place coaching and career-pathing programs for new partners and promising associates. Coaching can be especially helpful for women who may self-deselect when they do not observe many women in top positions at their organization. A career coach can help women lawyers develop their individual brand and improve their self-promotion skills. Some firms already retain a coach or may be willing to pay for a coach for an associate or new partner. Other lawyers choose to make this career investment themselves.

## **Suggested reading**

Jennifer Overhaus, *Juggling the Big 3 for Lawyers: A Career Building Plan to Develop Your Personal Brand, Client Business, and Leadership Mindset* (London UK: ProvechZiel Ltd, 2009).

Peggy Klaus, *Brag! The Art of Tooting Your Own Horn Without Blowing It* (New York: Warner Books Inc: 2003).

Carol Wilson, *Best Practice in Performance Coaching: A Handbook for Leaders, Coaches, HR Professionals and Organizations* (2007).

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<sup>15</sup> *Supra* note 2 at 22.

<sup>16</sup> *Supra* note 1 at 205.

<sup>17</sup> Ritu Bhasin, “Impactful Business Development – How to Capture, Communicate and Build Your Professional Brand” Women’s Law Association of Ontario Hanging out Your Shingle Series (21 February 2012).

## 4. Marketing

All lawyers should know some basic marketing principles and develop a simple marketing plan. This section will show you how.

### Creating a marketing plan

A marketing plan sets out your goals and outlines the marketing activities you will use to achieve those goals. Entrepreneurs with a written marketing plan have been proven to be more financially successful than those without such a plan.<sup>18</sup> You should draft a basic marketing plan for yourself, even if you will be the only person to look at it. The format will be determined by your practice area and by whether or not other people will rely on your marketing plan. If you need to develop a formal plan, there are tools available for purchase.<sup>19</sup>

Marketing plan goals should be tailored to your practice area, your personal strengths, and the stage you are at in your career. You may find it useful to organize your goals into short, medium, and long-term goals. In thinking of appropriate marketing goals, it may be helpful to first come up with a long-term vision for your law practice.<sup>20</sup>

If you work in a medium to large firm, you might consider discussing your marketing plan with your practice group leader to ensure that your marketing plan is in line with the firm's goals and plans. It will be easier to attain your goals if others in your firm are supportive of your efforts. Further you may find that the firm might be willing to provide financial support of your marketing plan if it aligns closely with the firm's goals.

Goals should be both specific and verifiable, meaning it is possible to determine when they have been attained.<sup>21</sup> When creating the plan, you should consider what inputs are required to achieve your goals. The following are examples of possible marketing goals that are both specific and verifiable:

- Get 5 new clients by the end of the year
- Increasing billings by 15% this year over last year
- Get one high-profile litigation file in the next 3 years
- Cultivate 2 new referral sources over the next 6 months

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<sup>18</sup> *Supra* note 2 at 1.

<sup>19</sup> One US-focused marketing planning tool specifically designed for lawyers is *The Profitable Law Office Handbook: Attorney's Guide to Successful Business Planning*, available for purchase at <<http://www.lawbiz.com>>; see also "Individual Marketing Action Plan" in *The Women Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007) c 2 at 12.

<sup>20</sup> Sara Holtz, *Bringin' In the Rain* (Granite Bay, CA: Client Focus, 2008) at 11-12.

<sup>21</sup> *Supra* note 2 at 1.

Another useful marketing planning tool for lawyers is the Marketing Roadmap,<sup>22</sup> developed by the Akina consulting corporation. The Marketing Roadmap sets out your existing network, and lists your marketing activities. See Appendix 2 for this tool.

Finally, remember to revise your marketing plan from time to time. Update your marketing plan at least once a year, if not more frequently.

*Formulate a business development plan that articulates a team approach (if you work with other lawyers) as well as your individual business development objectives: what work would you like to do and for whom? Set targets. What initiatives can the team pursue together? What specifically can you do to strengthen the team?*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

*You absolutely have to be resilient and optimistic. Sales cycles in legal services are long, and in some practice areas very long. If the first 25 doors do not open when you knock, try the next 25. The effort and the persistence will bear fruit, but it can feel from time to time like you are not making any headway. I would suggest setting goals. It's amazing how quickly a month, a quarter and a year can fly by and you look back and wonder what you have accomplished. When you review what you have done each month, you will realize that you are in fact making headway. Throughout my practice, even from the beginning, I always set annual goals (growth of X%, etc.) and always met it. That makes you realize that even in those periods where you are doing a lot of door-knocking and not getting new mandates that you are actually progressing.*

*Valerie Mann, Managing Partner, Lawson Lundell LLP*

## Whom to market to

Some groups will be more receptive to your marketing efforts than others. People who already know you and know the quality of your work are much more likely to hire you or send you a referral than are people with whom you have no existing professional relationship. For this reason, Sara Holtz suggests marketing to the following four groups, listed in order of priority:<sup>23</sup>

- Your existing clients
- Existing clients of your firm
- Existing referral sources
- Possible internal referral sources within your firm
- Strangers

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<sup>22</sup> Adapted from Tracy Lalonde, “Coaching Your Lawyers in Business Development” *ALI-ABA Live Video Webcast* (January 24, 2012).

<sup>23</sup> *Supra* note 22 at 18.

## Choosing a target market

Your time is valuable, so it is important to focus your marketing efforts on a targeted group of people. The practice of choosing a target market is called segmentation.<sup>24</sup> Everyone has different needs; however you cannot solve everyone's legal problems. Segmenting your potential client base will enable you to employ a focused and efficient marketing strategy by concentrating on potential clients who all have similar legal needs.

If unsure how to choose a target market, start by answering the following questions:

- What type of legal work do you want to do, or do you do?
- What is your ideal client? Think about the following factors: size, geographic location, type of legal work, specific industry focus, individual or institutional clients, and specific ethnic communities.<sup>25</sup>
- Who do you like to work with? If your target clients are people who you enjoy spending time with, then marketing activities will be more enjoyable.<sup>26</sup>

Once you have chosen one or two target markets, fill in the chart at Appendix 3 and keep it with your marketing plan.<sup>27</sup>

*While carving your own niche is not the only way to excel at our firm, I knew that successful independent business development would be the highest reward. I focused on what I thought was a better future for me. I had absolutely no interest in being dependent on anyone else in the firm. Because I was going into areas that the firm had not been present in, such as technology transactions, and venture capital, and in the early days - fund formations, I had to develop a credibility in those areas first. I did not have anyone else here to work with on developing the space, so I spoke and chaired conferences targeted at that area of the law and industry, networked in industry groups, and joined boards. I started to take on clients and mandates which had a multiplier effect.*

*-Valerie Mann, Managing Partner, Lawson Lundell LLP*

## Researching your target market

The next step after deciding on a target market is to learn as much as you can about your client base. Once you have a solid understanding of the needs of your client base, you will be able to offer appropriate services.

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<sup>24</sup> *Supra* note 16 at 52.

<sup>25</sup> *Supra* note 22 at 10.

<sup>26</sup> Silvia L Coulter, *The Woman Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legalworks, 2007) at 2-22.

<sup>27</sup> Adapted from Tracy Lalonde, "Coaching Your Lawyers in Business Development" *ALI-ABA Live Video Webcast* (January 24, 2012).



Try to answer the following questions about your clients:<sup>28</sup>

- Who are your clients and potential clients?
- Where do they work?
- What associations do your clients belong to? What are they reading?
- What is important to them?
- What are their problems and concerns?

Market research can be done informally.<sup>29</sup> Take every opportunity to talk to your clients about their problems and concerns. Periodically ask your clients how business is going. Follow the news and subscribe to industry publications. Attend industry events or trade shows.

One of the advantages of targeting clients from a particular industry is that you can become an expert on your client's business. This is an effective business development strategy. The most successful women rainmakers report that they have a good understanding of their clients' business.<sup>30</sup>

## Marketing to referral sources

*Focusing on business development was a challenge for me. I love the intellectual challenge of practicing law, but had less interest in "building a network" which seemed artificial. Once I realized that a functioning network could be a supportive community, and that to build one was simply nurturing relationships with interesting people, business development was no longer work.*

*-Lisa Vogt, Q.C., Partner, McCarthy Tétrault LLP*

Relationships with the people who regularly refer work to you must be cultivated and developed, just like your client relationships. Anyone can be a referral source, not just other lawyers. The following groups of people are likely referrals sources:<sup>31</sup>

- Satisfied clients
- People who have referred clients to you in the past
- Former colleagues
- People with whom you have a strong professional relationship

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<sup>28</sup> *Supra* note 16 at 28.

<sup>29</sup> *Ibid.* at 29.

<sup>30</sup> Catherine Alman MacDonagh and Marcie L. Borgal Shunk, "Women Rainmakers: Keys to Business Development Success" (December 2007) CBA PracticeLink, online: <[http://www.cba.org/cba/practicelink/leadership\\_marketing/women\\_rainmakers.aspx](http://www.cba.org/cba/practicelink/leadership_marketing/women_rainmakers.aspx)>.

<sup>31</sup> *Supra* note 22 at 23.

- Law firms that do not compete directly with you
- Any law firm that cannot act in a matter due to a conflict of interest, or that is simply too busy to take on more work

Make a practice of always letting clients know that you appreciate referrals. Satisfied clients are usually happy to refer more business to their lawyer. Whenever someone refers business to you, send them a personal note to thank them.

*You do get to a certain point where you will find that referrals generate more business. If you have done something for a client and they are happy with the working relationship, then they will recommend you to others that they know. Your network continues to grow, and if you spend time and attention on that network, you will find that business continues to increase.*

*-Valerie Mann, Managing Partner, Lawson Lundell LLP*

It helps to be specific when you request referrals. Describe what kind of referrals you want, and tell the other person what you would like them to do.<sup>32</sup> The referral source is more likely to follow through if you ask them to do something specific, such as introducing you to someone.

## **Making time to market**

*What you absolutely cannot do, and I have seen this happen, is drop business development activities first. Too often, I have seen lawyers who have the best of intentions to attend a networking function, or write a blog or some other form of outreach and they ditch it at the last minute in favour of (i) client work; and (ii) personal obligations. While balancing between competing demands is really difficult, and there will always be the urgent and unscheduled client matter, just simply running out of time in a day should not be a sufficient excuse to miss an event. Plan what you will attend, and participate in it. Make sure that it will be of value to your practice and set goals for it. If you are time-constrained because of various obligations in your life, then try to schedule in key business development initiatives as if they were actual client work.*

*-Valerie Mann, Managing Partner, Lawson Lundell LLP*

Making time for marketing is one of the most common business development challenges reported by lawyers.<sup>33</sup> The following are a few steps you can take in order to maximize your marketing efficiency and make the most of your valuable time.

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<sup>32</sup> *Ibid.* at 81.

<sup>33</sup> *Supra* note 28 at 2-21.

**Know which clients are most likely to give you work.** A “high-potential” client is someone who is likely to need your services, open to hiring you, and fits the profile of your ideal client.<sup>34</sup> Spend most of your marketing time on these people.

**Spend less time on low-value activities.** On average, each additional hour per week spent on business development activities results in an additional \$30,000 in origination revenue.<sup>35</sup> Recognize the value of business development and prioritize it over other activities if necessary.

**Look for ways to turn what you are already doing into marketing activities.**<sup>36</sup> When you read the daily newspaper, look for articles that might be of interest to others and forward them with a brief note. When you attend meetings sit next to someone who you would like to know better and engage them in conversation.

**Market to people you like.** If your target market is composed of people who you like and enjoy spending time with, then marketing can be enjoyable instead of being another burden on your limited time.

*I am truly interested in other people: how they think, what they care about, how they approach problems. Business development for me has always been about building relationships, and that just starts with a conversation, an ability to listen and genuine interest. You have to build the relationship before you ask for work. And it's always easier to ask for work if you first learn something about your client or prospective client, and then find something you can do for them: e.g. connect them with someone they need to know.*

*-Lisa Vogt, Q.C., Partner, McCarthy Tétrault LLP*

Incorporate business development into your personal activities.

**Schedule time for business development.** If you say you will get to business development when you have time, it is never going to happen. If you find that you are simply not making time for business development, block off a regular time in your calendar each week for business development activities and stick to it.

*During my first five years of practice I tried to focus my business development activities around meal times and evenings as those are natural breaks during the day. At a minimum I would have lunch with someone different every working day of the week and often have the odd breakfast or dinner meeting as well. My work would always be done*

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<sup>34</sup> *Supra* note 22 at 24.

<sup>35</sup> *Supra* note 32.

<sup>36</sup> *Supra* note 22 at 85.

*promptly as that was my marketing calling card – as it should be for every lawyer.*

*-Dominic Petrarola, Q.C., Managing Partner, Farris, Vaughan, Wills & Murphy LLP*

**Decide for yourself why you want to market.** If you are just doing it because your firm wants you to, or because you have heard it is something all lawyers should do, you are unlikely to be motivated to make the time for marketing. Know your own reasons for wanting to market, whether it is money, security, influence or something else.<sup>37</sup>

## Effective Ways to Approach Business Development

Many lawyers engage in writing and speaking to build their profiles and generate business. Another common business development strategy is to increase your visibility in the profession and in the media. The latter can be fraught with pitfalls and if the budget allows at your firm, consultation with marketing experts to ensure you aren't misquoted or portrayed in the wrong light in the media is highly recommended.

Think about what you like to do and tailor your business development strategy to make the most of your strengths. By choosing activities that play to your strengths, it is possible to succeed at business development without going too far outside of your comfort zone. Try to go outside of your comfort zone (by about 10%), so that you are challenging yourself and developing new skills. You may find that you are, in fact, an engaging speaker.<sup>38</sup>

*I have always been aware of the need to build a client base. I began initially by focusing on acquiring solid practice skills. My first step was to “market” my legal skills to other members of my own firm who could keep me busy and mentor my professional development. As my self-confidence grew I then reached out to become involved in various professional and charitable groups in our community so as to not only contribute to those groups but also to expand the circle of people who I knew and who would know me.*

*I focused my efforts in three main areas. Firstly, I tried to provide exceptional service to any existing clients I had in hopes that they would refer others to me. Secondly, I built relationships with outside sources of referrals such as accountants and bankers. Thirdly, I became very involved in community/charitable organizations which spread awareness of myself and my legal skills amongst local centres of influence.*

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<sup>37</sup> *Ibid.* at 94.

<sup>38</sup> *Ibid.* at 4.

*-Dominic Petraroia, Q.C., Managing Partner, Farris, Vaughan, Wills & Murphy LLP*

### ***Writing, publishing, and speaking engagements***

Writing is a good way to raise your profile and become known as an expert in your field. In the early years of practice, being perceived as a go getter and an “expert” in a particular area can generate a great deal of business and, more importantly, garner the respect of your peers who can and likely will be referral sources in the future. Writing may also lead to invitations to speak at conferences and events. Writing is time consuming, however, and getting published can be difficult. Therefore, it is important to be strategic in order to ensure you get the most out of your efforts.

*In the first 5 years of practice I was fortunate to be one of the first women practicing law in Victoria in some time and got some publicity through the local papers, even though at that time I was with the government. That led to introductions and invitations to events and organizations.*

*In the next stage of practice, I became more active in the community and was again lucky enough to start a firm of all women on Broad Street in Victoria, where we were quickly designated as the Broads on Broad Street, and since we all were practicing Family Law and we became well known (almost famous) throughout the community.*

*After that period, I continued to focus on volunteer Boards in the community and participation in Professional organizations, all of which continues to increase my visibility in the profession.*

*-Trudi Brown, Q.C., Partner, Brown, Henderson Melbye*

*Develop expertise and profile in your areas of law: write and publish articles, speak at CLE's, offer workshops, do pro bono work, and last but not least, share the benefits of this “no fee” work with clients.*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

### ***Tips for writing and publishing***

**Choose your topic carefully.** Write about something pertaining to an area in which you want to do legal work or in which you are currently working and wishing to expand.<sup>39</sup>

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<sup>39</sup> *Supra* note 2at 81.

**Save time by converting work you have already done.** Repurpose a legal brief or memoranda into an article. Often you can publish the same piece with minor changes in more than one place.

**Make sure your work is seen by the right audience.** Legal magazine or journals are a good place to publish if you are writing for other lawyers, but not if you are hoping to reach potential clients. Newsletters and blogs (more on social media below) are an excellent way to disseminate short papers to current and/or potential clients to demonstrate your expertise in a particular area and provide a “tickler” of legal advice to prompt a call for more information.

**If unsure what to write about, write a descriptive piece about new developments in your field of law.** Descriptive articles are easier to write than analytical articles, and if you can be the first one to talk about a recent change in the law, you are more likely to get broad readership.<sup>40</sup>

**Be timely.** When writing about current developments in the law, don’t delay. Publish it as quickly as you can.

**When you get published, let people know.** Send the article to anyone who might be interested, and include a link to your article on your firm’s website.

**Have a good picture.** Include a nice professional headshot with your publications so that you become recognizable.

## *Speaking engagements*

Writing and speaking frequently go together. Many of the challenges associated with publishing are also true of speaking engagements.

Your local CBA branch in your area of practice and CLE and other continuing legal education organizations are always looking for volunteers to write papers and sit on panels at various education events throughout the year. In the early years of your practice, you may start by writing papers for a partner who has been asked to present in his/her area of expertise. If that is the case, ask the partner to ensure your name appears on the paper and better yet, that you attend with him/her at the presentation. Next time the organization calls, volunteer to do the paper and the speaking engagement.

Speaking engagements need not be outside your firm. Speaking to the other lawyers in your firm at in house continuing legal education in your area of expertise raises your profile within your firm. This is particularly important for young lawyers in larger urban firms where profile

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<sup>40</sup> *Supra* note 2 at 82.

in the firm can be critical to developing a book of business from lawyer cross referrals. Being seen as the “go to” person within your own firm in a particular area can be a powerful business development tool.

Finally, speaking engagements to a particular industry group, for example, one targeting the insurance industry, about a timely new case that may impact their business practices, are another way of generating new business. These events can be held at your firm or a meeting room at a local hotel and can be very effective in building relationships. Lunch being provided and the short time commitment beings asked of your invited guests will attract interested business people who will appreciate the effort and the information provided to them. This can, however, be expensive and may not be as suitable for the smaller firms. Further, these events do not usually generate new business right away. The key is follow-up and over time, the relationship building that is crucial to successful business development.

*I embrace the idea of developing business by showcasing knowledge. In the early years of my legal career I published several articles and started teaching tax to accounting students, which helped me to develop confidence and my own style of presenting. As I became more senior, I stopped teaching tax to accounting students – replacing that with presentations to other professionals, who soon became referral sources.*

*-Lori Mathison, Managing Partner - Vancouver, Dentons Canada LLP*

Alternatively, and at no cost, is seeking out community organizations which may be interested in having a lawyer come speak to their group on a topic of interest to them. These speaking engagements can be particularly effective in building business and a referral network for lawyers engaged in personal legal services like family law, estate planning, elder law, small business, real estate conveyancing, personal injury, and the like.

*...Develop your profile outside your firm's domain: write and publish articles/papers, in regard to latest developments in your area of practice; offer to write papers with a senior lawyer for a CLE and/ or other publications including relevant trade magazines; consider how the internet might be used as a tool to distribute such work– again, seek the guidance, direction and approval of your firm as appropriate in developing your profile.*

*...Become known as an expert within your firm and with your firm's client base by distributing synopses of the latest cases and legislative changes in your area of practice (it is important to team-up with your principal, mentor or practice group in this regard; seek the guidance and advice of senior counsel on how best to implement such a business development or “cross-selling” plan).*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

## *Tips for public speaking*

**Weigh the costs and benefits of speaking.** Before you agree to a speaking engagement, consider how long it will take to prepare, and whether the payoff will be worth it. Consider who the audience will be and how much exposure you will get beyond the live audience.<sup>41</sup>

**Write your own introduction.** In your introduction, tell the audience how you help people with problems like theirs.<sup>42</sup>

**Invite clients and prospects.**

**Create a holdback, such as an article or a checklist.** Offer to send it to anyone who requests it after your presentation.

**Spend time talking to people one-on-one** both before and after your presentation.

**Re-use your speech.** Deliver the same speech at different events, or repurpose it as an article, blog post, podcast or client alert.

## *Other ways to raise your profile*

Being quoted in the newspaper can be an effective way to raise your profile, but as noted above, this must be carefully executed. Consider working with your firm's communication department to notify the industry or legal media about your publications or speaking engagements. Remember to consult your firm's media policy before agreeing to talk to a reporter.

Another effective way to increase your visibility is to be profiled in the legal media. Surprising to some, your inclusion in such publications can be orchestrated with the assistance of your colleagues since many of these organizations name "experts" in particular areas based on votes for the peer group. Several publications, such as L'expert and Best Lawyers in Canada regularly publish profiles of leading lawyers in various areas.

*My priority during my first 5 years of practice was simply becoming the finest lawyer I could be, with my "clients" being the partners and senior lawyers who gave me work; learning as much law and business acumen as possible, and building trust and credibility with those lawyers was the critical piece. In years 5 to 10 that relationship building extended to clients, but also lawyers outside the firm (e.g. by participating in CBA subsection meetings...and the critical piece here is participating, not just attending) and other industry consultants (e.g. real estate brokers,*

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<sup>41</sup> *Supra* note 22 at 114.

<sup>42</sup> *Supra* note 2 at 83.



*appraisers, surveyors, bankers), all of whom expanded my network and therefore my ability to assist my clients. And finally, in years 10 +, joining the boards of community organizations extended my reach, and was also personally rewarding. Had I been more strategic, I should have joined one or more industry boards.*

*-Lisa Vogt, Q.C., Partner, McCarthy Tétrault LLP*

### **Suggested reading**

Sara Holtz, *Bringin' In the Rain: A Woman Lawyer's Guide to Business Development* (Granite Bay, CA: ClientFocus, 2008).

Ajay K Sirsi, *Marketing: A Roadmap to Success* (Toronto: Pearson Education Canada, 2010).

## **5. Online Marketing With Web-based and Mobile Technologies**

Modern marketing is increasingly focused on the effective use of digital tools such as websites, blogs, social media, client relationship management systems, apps, etc. Now that virtually all businesses are using web-based and mobile technologies, it is no longer a question of “if” you should use such technologies for marketing and business development, but “when and how”. Consider this survey data collected from in-house lawyers (a key target of lawyer and law firm marketing); in-house lawyers of all ages report using social media,<sup>43</sup> and one survey found that 51.4% of in-house counsel are less likely to hire an outside lawyer who does not have an online presence.<sup>44</sup>

Compared with traditional media, web-based and mobile technologies offer a broader reach, frequency, usability, immediacy and permanence to marketing efforts. These technologies create highly interactive platforms through which individuals and communities share, co-create, discuss and modify user-generated content.

Online marketing tools are especially useful for women lawyers who are not comfortable with traditional networking opportunities offered by firms, and because they provide new ways for women to engage in business development while balancing work with personal and family obligations. For example, web-based and mobile technologies offer opportunities for women to

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<sup>43</sup> Loeb & Loeb and Amos Content Group, “Achieve Measurable Lead Generation, Increased Brand Awareness and Business Development Through Social Media” 2012 Legal Marketing Association Annual Conference (16 March 2012).

<sup>44</sup>BTI's How Clients Hire: The Role of Legal Directories and Online Lawyer Profiles (BTI Consulting Group, 2011) at 26.

stay engaged while away on leave, and to on-ramp back into practice when they return. In one example, the authors of *Social Media for Lawyers: The Next Frontier* began blogging as a way to build up their law practices after spending time raising children. For both women, their blogs brought them recognition as experts in their fields and led to further business development opportunities.<sup>45</sup>

## What kinds of online marketing is right for you?

Online marketing tools can help you to build your reputation, connect with clients or potential clients – all important objectives in business development. However, because online tools have different characteristics, they should be used strategically, with a particular goal or purpose in mind. Below is a list of some of the few possible types of online tool, and the goals that can be achieved using such resources:

**Social Networking:** Share and exchange information and ideas, engage and/or connect with virtual communities and networks, stay in touch with clients and potential clients, collect data and feedback. LinkedIn is the most used business social networking site. While users can be ‘passive’ by just posting content, engaging the interactive functions maximizes the marketing value of this tool.

**Electronic Newsletters and Blogs:** These tools provide platforms to share current information which is of particular value or interest to your target audiences, boost your visibility and builds your reputation as a thought leader in a particular area of the law.

**Twitter:** Another form of social networking service which allows for the exchange and sharing of information, in 140 characters or less! The objective is to engage large number of ‘followers’ in target audience through engaging in interactive, thought leadership. Because it is virtually impossible for Twitter accounts to be engaging and relevant to a broad range of people, personal Twitter feeds are more effective than ‘firm’ Twitter posts. Twitter requires frequent ‘tweets’ of quality content of interest to potential market in order to optimize efforts.

**Web-sites:** Repository or landing place for your/your firm’s brand, contact & profile information, as well as useful, high-quality, and targeted content (such as blogs and electronic newsletters) for clients and potential clients.

**Search Engine Optimisers/Analytics:** Custom designed tools, used in conjunction with the above noted tools to ‘mine’ data or information such as type of user accessing your content, frequency of visits, etc. in order to further customize content and marketing initiatives.

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<sup>45</sup> Carolyn Elefant & Nicole Black, *Social Media for Lawyers: The Next Frontier* (American Bar Association, 2010) at xvii.

## Best practices for Online Tools

### *Social networking*

LinkedIn (<http://www.linkedin.com>) is designed specifically for professional networking. It has the largest user base of any business-focused social networking service.<sup>46</sup> Conference organizers regularly use LinkedIn to get ideas for potential speakers, and it has become common for employers to consult the LinkedIn profiles of job applicants. Potential clients might want to consult your LinkedIn profile prior to meeting you for the first time.

LinkedIn users can create an individual profile that functions as an online curriculum vitae. Your profile should include information about what kind of work you do, as well as your past work experience and education. You can also connect with other users and share information with your contacts. Marketing consultant Amy Knapp has created a “LinkedIn Strategy Worksheet” to help lawyers get the most out of their LinkedIn accounts.<sup>47</sup> She suggests considering the following questions:

- In what specific area of law do you want to be the go-to professional?
- What are the titles of people with whom you would like to connect? Who among your existing contacts falls into this category?
- Where is the greatest market opportunity in the next 12 to 18 months?
- Which other colleagues or professionals are doing business with your target group?
- If a potential client were to search for a lawyer using Google, what might he or she type in the search bar?

The full worksheet is available online.<sup>48</sup> Other tips for an effective LinkedIn page are as follows:

- Ensure that your profile includes a professional photo;
- Create a complete profile that includes a description of your prior work;
- Be cognizant of Law Society rules regarding describing yourself as an ‘expert’ within any particular practice area;
- Keep the content up to date; and

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<sup>46</sup> Adrian Dayton & Amy Knapp, *LinkedIn and Blogs for Lawyers: Building High Value Relationships in a Digital Age* (West Legal Ed Center, 2012) at 1.

<sup>47</sup> *Ibid.* at 20.

<sup>48</sup> <http://www.knappmarketing.com/linkedinworksheet>

- Proof read content – typos and grammatical mistakes detract from your brand and reputation.

In contrast to LinkedIn, Facebook (<http://facebook.com>) has more of an emphasis on personal rather than professional networking; however, Facebook can still be a useful resource for lawyers. Facebook provides an easy way to stay in touch with a large group of friends and acquaintances. You can use Facebook to reconnect with former classmates or colleagues that you may have lost touch with over the years. It can also help you remember your contacts' birthdays and milestone events, such as weddings or births. Some lawyers are able to use Facebook to generate business. In a recent issue of *Law Practice Magazine*, Michele RJ Allinotte writes that she uses Facebook for business purposes and that it brings in new clients and leads.<sup>49</sup>

*Every social network brings a different strength or angle to content distribution. For Facebook, those strengths are a greater frequency of relationships built upon “real life” personal ties and a stronger alignment between these relationships and one’s local community.*

*-Steve Matthews, President and Founder, Stem Legal Web Enterprises Inc.*

## *Blogs and Twitter*

Legal blogs have become an important source for up to date legal news and analysis, and legal bloggers occupy an important place in the profession. Prominent legal bloggers are often asked to contribute to print journals and invited to speak at conferences. If you enjoy writing, blogging can be an effective way to establish your reputation as a leader in your chosen practice area. However blogging requires a significant time commitment. In order to be successful, a blog should publish new content at least once a week.

When starting a new blog, try to target the blog’s subject and audience as narrowly as reasonably possible. There is virtually no market for “general interest” law blogs that are all things to everyone. The world, and especially the legal market, is highly fragmented, and readers demand the ability to access only the subjects they want. Accordingly, your blogs should drill down to as deep a level of subject specificity as possible: e.g., not just litigation, but class actions; not just class actions, but class action defense; not just class action defense, but faulty heart medication class action defense.<sup>50</sup>

*A good law blog starts by identifying a tight focus, determining what it will cover — and, perhaps just as importantly, what it won’t. It also identifies its audience, asking: Who, exactly, are you writing for? What,*

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<sup>49</sup> Michele RJ Allinotte “Finding Friends (and clients) on Facebook” *American Bar Association Law Practice Magazine* (January-February 2012).

<sup>50</sup> Steve Matthews, President and Founder, Stem Legal Web Enterprises Inc. <http://www.stemlegal.com/> .

*precisely, do they care about? Perhaps the number-one rule of successful content marketing is that you must write for your readers, not for yourself. The regular application of this rule will shape what you write about and how you write it. Are you targeting senior corporate counsel or everyday consumers? You cannot use the same tone, language and approach for both.*

*-Steve Matthews, President and Founder, Stem Legal Web Enterprises Inc.*

The authors of *LinkedIn and Blogs for Lawyers* offer some suggestions to help generate ideas for blog posts:<sup>51</sup>

- What challenges are your potential client's facing?
- What interesting articles have you read lately, and what can you add?
- How do other industries deal with the same challenges that your clients are facing?
- What kinds of questions have you received lately from readers or clients?
- What interests you about your practice area?
- What mistakes have you made and what did you learn?
- What are some current trends in your industry?

In addition to blogging, lawyers can also consider using Twitter. Twitter format necessitates a form of communication that is very streamlined and direct, however Twitter is an effective tool for distributing information to a wide audience, and it is also a useful tool for research as it is possible to track a particular subject and to keep up to date on new developments<sup>52</sup>

Blogging and tweeting frequently go together. Tweeting is more instantaneous than blogging. While your blog posts can live online forever for future clients to read, your tweets will probably only be read by people who are already following you. You can use Twitter to announce when you publish new content on your blog, or you can use it to send out short announcements that do not merit a lengthy post.

*A good lawyer Twitter feed keeps two things in mind: (1) it's all about the clients, and (2) it's not all about the lawyer or her firm. By all means, circulate your personal content through Twitter; but if your Twitter feed contains only your content, you risk appearing boring and narcissistic. Engagement on Twitter is a must, and that starts by following and having conversations with other industry leaders; tweeting or retweeting their posts at least as much as your own. Build a strong list of online*

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<sup>51</sup> *Supra* note 49 at 83.

<sup>52</sup> Daniel Schwartz, "I Tweet. Therefore, I Am." *Law Practice Magazine: The Social Media Issue* (January-February 2012)

*sources that will help you 'break' the latest industry news, and invest your time regularly in the medium.*

*-Steve Matthews, President and Founder, Stem Legal Web Enterprises Inc.*

## Websites

The world of online marketing has reached a point where every law firm should have a website. For many people, Google has replaced the phone book, without a website, you lose the opportunity for clients to find you.<sup>53</sup> Even if all of your clients come from referrals, it is still important to have an online presence. Potential clients commonly get more than one name from a referral source and visit the lawyers' respective websites before deciding who to contact.<sup>54</sup>

If you do not yet have a website, you can hire a web designer to create a simple one for you for a few hundred dollars. The following are a few things to keep in mind when considering setting up a website.

**Think about your website through the eyes of your clients.** Avoid legal jargon. Clients want to know how you help people with problems like theirs, so put that information in a prominent place.<sup>55</sup>

**Write an effective biography.** A good bio should address who you are and how you got to where you are, whom you act for, and what you do.<sup>56</sup> It is important that individual law firm bios be updated at regular intervals.

**Include your picture.** It is common practice for lawyers to include a professional headshot with their online biography.

**Include your contact information.** Visitors to your website should be able to quickly find out where your office is located and how to get in touch with you.

## *A word about rules, confidentiality, etc.*

It should go without saying that your use of technology must comply with Rule 4.3 in the Code of Professional Conduct for BC, as well as your firm's social media policy. In addition, the following are a few best practices for social media:

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<sup>53</sup> Pat Yevics "Adding New Tools to Your Marketing Toolbox" *ABA General Practice, Solo & Small Firm Division Technology eReport* (June 2010).

<sup>54</sup> Anne Bothwell, "Web Sites as Branding Tools: Quick tips for Creating a Positive Experience for Prospects" *Law Practice Magazine* (January-February 2009).

<sup>55</sup> Allison C Shields "What Makes a Good Lawyer Biography?" (6 June 2012) online: Slaw <<http://www.slaw.ca>>.

<sup>56</sup> *Ibid.*

**The biggest concern with social media for most lawyers is confidentiality.** You must protect client confidentiality when blogging, just as you would if you were writing an article to be published in print media. The best practice is to not write about your clients at all, even with identifying information removed, unless you have the client's consent.

**All the rules regarding lawyer advertising also apply to online activity.** For instance, in British Columbia, lawyers cannot refer to themselves as specialists. Ensure that your LinkedIn profile does not state that you are an "expert" or "specialist".

**Read and follow your firm's social media policy.** Your firm may have a policy that limits social media use. Check the policy before you start blogging or interacting with clients online. While it is not against the Rules of Professional Conduct in British Columbia, it is not recommended to "friend" your clients on Facebook. Additionally, when communicating with clients, keep in mind that online forms of communication are not secure.

### **Suggested reading**

Adrian Dayton & Amy Knapp, *Linked in and Blogs for Lawyers: Building High Value Relationships in a Digital Age* (West Legal Ed Center, 2012).

Carolyn Elefant & Nicole Black, *Social Media for Lawyers: The Next Frontier* (American Bar Association, 2010).

## **6. Building Relationships**

At its root, everything you do to develop your business is about building relationships. This section focuses on how to make connections with people and how to develop strong relationships. If you have a large and diverse network of contacts, opportunities and clients will naturally come your way. If you walk into a networking event hoping to land the perfect client, you are likely setting yourself up for disappointment. Your goal starting out should just be to meet new people and get to know them.

*Business development is all about building trusted relationships, demonstrating and clear and sincere interest in the 'other person' and getting to know them as people before you would ever think of them as a potential client. Always ask 'how can I help you' and then follow through.*

*Sue Paish, Q.C., President and CEO, LifeLabs Medical Laboratory Services*

There are numerous ways to meet people and build your network. By using your strengths, it is possible to connect with potential clients and referral sources without going too far outside your comfort zone.

If you enjoy	....then try
<b>Meeting new people</b>	traditional networking, i.e. cocktail parties
<b>Talking to people one-on-one</b>	taking people out for lunch or coffee
<b>Research and writing</b>	publishing articles
<b>Public speaking</b>	Presenting at conferences or teaching
<b>Online media</b>	Social media and blogging

When work is busy, it is difficult to make time for networking and business development activities. However, it is important that time is made each week for business development as networking efforts tend to be more successful if they are done regularly rather than in frantic bursts after long periods of dormancy. Because you will want to try and participate in networking and business development while trying to balance a busy practice and personal obligations, it is important that you consider your opportunities, and proactively and strategically decide which activities will be the most fruitful and the best fit for you.

*My business development style is predominately centered around building relationships with clients, perspective clients and centres of influence. Accordingly, when I am not in the office working on files I am out of the office meeting people and involved in community affairs.*

*-Dominic Petraroia, Q.C., Managing Partner, Farris, Vaughan, Wills & Murphy LLP*

*I developed my business by getting involved in many aspects of my community - volunteer Boards, Professional clubs and organizations, and getting involved in my professional organizations, and attending all lawyer centered events.*

*-Trudi Brown, Q.C., Partner, Brown, Henderson Melbye*



## Building your internal network

A good place to start networking, especially for junior lawyers, is within your firm. The following are some ideas for ways to raise your internal profile:

- Join committees and attend firm events
- Take advantage of professional development opportunities offered by your employer, such as lunchtime lectures
- Consider whether there are any opportunities to offer professional development seminars to others in your firm
- Eat your lunch in the cafeteria or break room, or make plans to go out for lunch with colleagues

*My first step was to “market” my legal skills to other members of my own firm who could keep me busy and mentor my professional development. As my self-confidence grew I then reached out to become involved in various professional and charitable groups in our community so as to not only contribute to those groups but also to expand the circle of people who I knew and who would know me.*

*-Dominic Petraroia, Q.C., Managing Partner, Farris, Vaughan, Wills & Murphy LLP*

## Join external organizations

In addition to getting involved in the firm, begin to build up your profile in the legal community. Join organizations, and be an active member. Sign up for mailings and attend events. Find ways to get involved in the organization’s operations by joining committees or offering to speak at events.

The following are some ideas for types of organizations to join:

- Bar associations and other professional organizations
- Organizations that your clients belong to, such as industry associations
- Any organization that you have a genuine interest in
- Join a board of a volunteer organization

## Tips for networking at social events

The following are some tips for traditional stand-up networking events:

**Ask open-ended questions to prompt conversation.** Some examples of conversation openers are: “What do you think of the event / the speaker / the venue?” “How are you enjoying the conference?” or “How did you first get involved in this organization?”<sup>57</sup>

**Be interested, not interesting.**<sup>58</sup> The secret to being a great conversationalist is to figure out what interests the other person. Express genuine interest in what she or he has to say by listening actively. While straightforward in theory, doing this well takes practice.

**Be positive.** People like to be around positive people, so don’t complain or express negativity when you are making a first impression.<sup>59</sup>

**If you don’t know anyone at the event, introduce yourself to someone.** Eighty eight percent of people consider themselves to be shy in social situations.<sup>60</sup> If you are nervous about approaching someone, remind yourself that the other person is probably shy too, and they will be relieved that you made the first move. Look for someone standing alone and be his or her “saviour”.

**Set yourself a goal as to how many people you will meet.** Often people stay within their comfort zone and speak to only those people that they came with or already know well. Once you have decided to dedicate time to an event, you will want it to be worthwhile. Try to push yourself to meet more people.

**Don’t engage in aggressive self-promotion the first time you meet someone.** The first step is to get to know the new contact. Using the hard sell too early is usually counterproductive.<sup>61</sup>

**Prepare some topics to talk about before you go.** Read up on current events to get ideas for conversation topics. Look at the most commonly read news source in your region so that you will have a common frame of reference with the other attendees.

**Attend with a colleague.** But make sure that you both understand that you are going to support each other in meeting other people. Don’t spend the entire event talking to the colleagues that you came with.

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<sup>57</sup> *Supra* note 28 at 3-26.

<sup>58</sup> *Supra* note 1 at 126.

<sup>59</sup> *Ibid.* at 343.

<sup>60</sup> Susan Roane, *What Do I Say Next?: Talking Your Way to Business and Social Success* (New York: Warner Books Inc: 1997) at 237.

<sup>61</sup> *Supra* note 1 at 353.

**Ask someone to introduce you.** Pair up with someone more senior, or someone who is simply good at networking, and ask them to introduce you to their contacts.

**If someone seems like a good connection, plan a definitive next step.** Try some variation of the following: “I’d be interested to talk more about the challenges you are facing in x industry. Could we continue this conversation over lunch sometime in the next month?” Then collect the person’s card and follow up with them.<sup>62</sup>

**Develop a system to record a contact’s interests/details.** It can be difficult to remember the details of your discussions at a networking event at your next meeting with a contact. Develop a system to take notes so that you can ask a personal and meaningful questions the next time you see them. For instance, if you were told that they were going on a holiday in Hawaii, you can ask about their trip at your next meeting. Some people find that the “notes” section in Outlook works well for this purpose.

*Focus on developing an authentic and sincere working relationship with the client. Let them know you care - mean it, show it and maintain your objectivity and professionalism.*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

For more tips on making small talk, see *How to Work a Room* by Susan Roane.

## Follow-up with your new contacts

In most cases a new connection will not become an important business contact after the first meeting, or even the first several meetings. Experts say that it takes an average of seven contacts before a sale is made.<sup>63</sup> Chances are that someone you meet for the first time won’t have any legal work to give you right away, but if you keep in touch with a prospect over months or years, eventually some opportunity for work will arise.<sup>64</sup> Therefore making plans to follow-up with the people you meet should be an integral part of any networking activity.

Below is a list of ideas for keeping a new relationship going:

- Send a note after a first meeting
- Send articles of interest with a personal note
- Make plans to meet for lunch or coffee or drinks
- Send information about your firm

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<sup>62</sup> *Supra* note 4

<sup>63</sup> *Supra* note 22at 54.

<sup>64</sup> *Supra* note 28 at 1-10.

- Send your organization’s newsletter
- Invite the contact to an event hosted by your organization
- Invite the contact to connect with you on LinkedIn or other social media
- Send holiday cards
- Introduce the contact to someone you think they should know
- Call to ask for advice about an area of their expertise

## Use your personal network

Most women already have a large group of personal contacts who could be potential referral sources, or even clients. Yet many women resist networking with their friends out of concern that they might be taking advantage of the friendship. Sara Holtz recommends changing your mindset. If the friend is a businessperson she or he will understand the need for people to market their services.<sup>65</sup> Asking a friend for business does not mean that you do not value the friendship or that you don’t respect the boundaries between friendship and business. If you don’t feel comfortable working with your friend yourself, consider referring him or her to a colleague.<sup>66</sup>

### Suggested reading

Theda C. Snyder, *Women Rainmakers’ Best Marketing Tips*, 2<sup>nd</sup> ed (American Bar Association, 2003).

## 7. Generating Business

The ultimate goal of all of your business development efforts is to generate client business. The majority of time during the sales process should be spent on relationship building and preparation, but at some point it will be necessary to actually ask for work. This section addresses the question of when and how to make the pitch, and how to address concerns.

### Attributes of successful rainmakers

In a law firm, a rainmaker is a partner who is able to maintain a book of business large enough to generate work for the firm. Some women may think that they cannot be a rainmaker because they do not see themselves as the type of smooth-talking, back-slapping male partner typically associated with the role. However, this stereotype does not accurately describe what it takes to

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<sup>65</sup> *Supra* note 22 at 77.

<sup>66</sup> Deborah Epstein Henry, “Business Development Beyond Rubber Chicken Dinners,” online: Women’s Online Resource Centre <<http://rc.lsuc.on.ca/jsp/worc/index.jsp>>.

be a rainmaker. The ability to generate business does not depend upon having a talent for sales, or being connected to a “good old boys” network. Most rainmakers don’t see themselves as “selling” at all. Instead they see themselves as helping people find appropriate solutions to their legal problems.

There is no single personality type necessary for being a rainmaker and there is no single type of approach that is successful in developing work, but there are certain qualities that are associated with higher originations. All of these are attributes that can be improved with practice. Furthermore, these qualities are many of the same qualities associated with being a successful lawyer.

People who are most successful at generating business are:

**Knowledgeable about their clients’ business** – one study found that women lawyers who said they understood many aspects of their clients business reported 100% higher originations than those who did not;<sup>67</sup>

**Good listeners** – they give clients focused attention, and make them feel valued and understood;<sup>68</sup>

**Empathetic** – they are able to shift perspective to understand how their clients see the world;<sup>69</sup>

**Confident** – they are comfortable promoting themselves because they believe that the services they are offering will help achieve the client’s goals;

**Effective negotiators** – studies show that rainmakers score higher than service partners on measures of “ego drive,” which is the ability to persuade others for the sake of persuading;<sup>70</sup>

**Resilient** – they do not dwell on rejection, but instead move on to the next opportunity;<sup>71</sup>

**Customer service-oriented** – they genuinely like people and want to help;<sup>72</sup>

**Leaders** – women in leadership positions report higher originations than those who are not leaders.<sup>73</sup>

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<sup>67</sup> *Supra* note 37.

<sup>68</sup> Ed Poll, “How Women Lawyers Can Make Rainmaking Work” American Bar Association Law Practice Magazine (August 2010).

<sup>69</sup> *Supra* note 28 at 10-5.

<sup>70</sup> *Ibid.* at 10-3.

<sup>71</sup> *Supra* note 37.

<sup>72</sup> Kathleen Brady, “Marketing and Client Development Activities” American Bar Association Law Practice Today (February 2009).

<sup>73</sup> *Supra* note 37.

## Deciding when to ask for work

Successful rainmakers do not think of selling, or “pitching”, as an isolated event, but rather as the outcome of a multi-step process that involves building relationships and gaining knowledge to understand the prospect’s needs.

The best time to make a pitch is when the prospect has a problem or opportunity that you can help with.<sup>74</sup> It would not be unusual for months or years to pass before such a problem or opportunity arises.

In some practice areas you may be invited to respond to a Request for Proposal (RFP). If you are invited to respond to a RFP, you should always do so. Even if you don’t believe you are likely to be hired, submitting an RFP can be a way to get your foot in the door and could lead to more opportunities later on.<sup>75</sup> For those at large firms, be aware that most large firms have resources that can assist you in responding to RFPs and protocols regarding responses, so if you receive an invitation, involve the appropriate people in your firm.

## Making the pitch

Asking for work is one of the hardest parts of most lawyers’ jobs. Everyone faces rejection from time to time, and some people take it personally. If this is a problem for you, practice separating yourself as a person from the services you offer. Just because someone does not choose you to provide legal services does not mean they do not think you are a good lawyer or like you as a person.<sup>76</sup> The more times you ask for work, the easier it becomes.

When the time comes to make a “sales pitch” prepare for it as thoroughly as if you were preparing a case on behalf of a client. There is no single way to ask for business. Some people are comfortable making a direct ask by saying, “I’d like to do your work.” Other people ask more indirectly. Observe how others do it and experiment with different techniques until you find a way that feels genuine for you.

*Don’t be afraid to ask for work. And don’t be afraid to hear “no” – it’s not personal. Just move on to the next prospect. I literally incorporated some of my now significant clients so it has always been important to me to play the long game.*

*-Lori Mathison, Managing Partner - Vancouver, Dentons Canada LLP*

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<sup>74</sup> *Supra* note 4

<sup>75</sup> *Supra* note 28 at 6-7.

<sup>76</sup> *Supra* note 22 at 133.

*Two pieces of advice I received that now seem obvious, but were not (to me at least). The first piece of advice was not to be shy about asking people for work – or at least telling them you would really like to get some work from potential clients. The second piece of advice was be persistent. Don't give up after the first or even after several rejections or 'non-responses' to your marketing efforts. Sometimes it takes years to convince a client to retain you.*

*-Nicole Byres, Q.C., Partner, Miller Thomson LLP*

## Tips for successful pitching

Figure out who makes the decisions regarding hiring outside counsel. This is the person that you should make your pitch to.

**Ask questions to assess the prospect's needs with respect to the specific legal issue.** Spend no more than 20 percent of the time talking and listen the rest of the time.<sup>77</sup> Ask the prospect about their goals, the challenges they face, and their expectations. Refer the article at Appendix 4, "20 Questions You Should Ask Current and Prospective Clients" for ideas for what to ask.<sup>78</sup>

**Describe the benefit that you can provide.** Explain the features of the services that you or your firm can provide and how it addresses the prospect's identified needs.<sup>79</sup>

**Be enthusiastic.** Show that you care about what the client is doing and express your desire to help.<sup>80</sup>

**Sell the whole firm.** Even if a prospective client does not need your services at this time, he or she might need a different kind of legal assistance. Be prepared to refer them to other practice areas at your firm.

## Preparing to ask for work

Where a prospect does not initially seem receptive to working with you, your work is not done yet. Ask open-ended questions to determine the underlying reason, and consider ways to address any concerns. This discussion is a valuable opportunity to understand the client's needs better.

Try to anticipate possible concerns, and consider how you might be able to address them. You may find it helpful to prepare your responses beforehand.<sup>81</sup>

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<sup>77</sup> *Supra* note 28 at 4-7.

<sup>78</sup> William J Flannery Jr, "20 Questions You Should Ask Current and Prospective Clients" online: <<http://www.wjfinstitute.com/?t=18&dd=1319>>.

<sup>79</sup> *Supra* note 28 at 4-3.

<sup>80</sup> *Ibid.* at 7-5

<sup>81</sup> *Ibid.* at 7-12.

**Common objection** - The prospect already has counsel

**Possible response** - Ask under what circumstances they would be open to working with other firms. Explore how you might be able to supplement that relationship.

**Common objection** - The prospect is not in a position to hire you.

**Possible response** - Ask who is responsible for making decisions regarding outside counsel.

**Common objection** - The prospect says you are too expensive.

**Possible response** - Ask if they would be open to hiring you if cost were not an issue. This will help you to determine whether the price is the real concern.

**Common objection** - The prospect wants a more diverse group.

**Possible response** - Ask questions to figure out what kind of diversity is important to the prospect and why. Consider your firm's strengths on this front. For those at large firms, be prepared with statistics and information about diversity initiatives at your firm.

**Common objection** - The prospect wants service in another language.

**Possible response** - Make yourself aware of the different language capabilities of your firm's lawyers and staff so you can tell the prospect which languages are spoken at your firm.

The most important thing to remember is that if the prospect ultimately decides not to hire you, stay in touch anyway.<sup>82</sup> In a few months or years, they may have a new problem or opportunity that you could help with, or they may decide that they are not happy with their current representation and switch firms.

### **Suggested reading**

Silvia L Coulter, *The Woman Lawyer's Rainmaking Game: How to Build a Successful Law Practice* (West Legal Works, 2007).

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<sup>82</sup> *Ibid.* at 8-4.



## **8. Maintaining Client Relationships**

In most law firms, existing clients are by far the biggest source of new work. On average, 80% of new business comes from existing clients.<sup>83</sup> Therefore marketing to current and former clients should be a large part of any lawyer's business development strategy. Make sure you get to know your firm's existing clients, and that clients get to know you.

Don't take your clients for granted by assuming that they will continue to give you work just because they have in the past. Every time you do work for a client is an opportunity to build client loyalty by demonstrating the quality of your work and providing superior service.

### **Some strategies for building client loyalty**

**Distinguish yourself by providing excellent customer service.** Each year BTI Consulting publishes a list of lawyers at firms around the world that have been identified by corporate counsel as "client service all-stars." The report includes the key attributes of client service leaders.<sup>84</sup>

**Express a genuine interest in your clients and their work.** Try to put yourself in your clients' place and understand their perspective. Ask questions and listen to what they have to say.

**Learn as much as you can about your clients' business.** Most clients state that they want outside counsel to learn more about their work, and studies show that the most successful rainmakers are the ones who have a good understanding of their clients' business.<sup>85</sup>

**Know who your top clients are.** Top clients are not only the ones who generate the most revenue for the firm, but also those who are the most loyal.

**Keep in touch with your existing clients at least 4 times a year.**<sup>86</sup> Visit them at their office, or take them out for lunch. Give them tickets to events. Send them your firm's newsletter and send holiday cards.

**Don't be afraid to make friends with your clients.** Some male lawyers might bond with their clients over sports or drinks. This may work for you too, but be aware that there are other ways to connect. Consider things you might have in common with your client on a personal level and consider opportunities to connect around those. Alternatively, simply take a genuine interest in your client beyond their role as such.

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<sup>83</sup> *Supra* note 22 at 18.

<sup>84</sup> Report for 2015 available online: <<http://www.bticlientserviceallstars.com/>>; see also Coulter at 11-5.

<sup>85</sup> *Supra* note 37.

<sup>86</sup> *Supra* note 28 at 8-2.

**Be approachable.** You want your clients to feel free to ask you “dumb” questions. This will build your rapport and may even lead to opportunities for work. For example, if you advise on the early structuring of a deal (even if informally) you are the logical lawyer to involve if the deal moves forward.

**Ask clients how you can serve them better.** Take their feedback seriously.

*I try to do the very best job I can and to let clients know that I truly care about them and their issues. The vast majority of new business comes from existing relationships.*

*-Anne M. Stewart, Q.C., Partner, Blake, Cassels & Graydon LLP*

*Consider how to keep your current clients happy; find specific opportunities to offer your time and talent to develop goodwill among your client base. [Also make sure to] find the time to call your clients; stay in touch, no matter how busy you may be . . . Communicate with your clients, let them know what you are doing; they like to hear about your successes . . . Don't forget the personal touch.*

*-Maria Morellato, Q.C., Partner, Mandell Pinder LLP*

*The most important business development activity is to do good work and provide excellent service to your clients. There is no better referral source than a satisfied client singing your praises to family, friends and colleagues. In addition, it's important to build a network of referral sources. Depending on your practice area this may be other lawyers, accountants, bank managers, investment advisors etc. Provide responsive, competent and cost effective service to their client referrals to you, and also make sure you “touch” them regularly, whether it's a coffee catch up, a newsletter, an invitation to a function or a presentation.*

*-Nicole Garton, Lawyer and Mediator, Heritage Law*