

THE PLACE TO NETWORK

The Art of the Handshake

By **Olivia Fox Cabane**

A Fortune 500 CEO once said that when he had to choose between two candidates with similar qualifications, he gave the position to the candidate with the better handshake.

Is his reaction extreme? Perhaps, but on the other hand, consider the following study by Dr. Allen Konopacki for the Incomm Center in Chicago. A quarter was left in the coin return of a public telephone. If a stranger took the coin after using the phone, one of the research students would walk up and ask whether the person had seen the quarter.

Alas for human nature — 60% of the people lied, claiming they had never seen the quarter. In the next series of experiments, however, when the students introduced themselves with a handshake before asking about the quarter, less than 15% of people lied to the students. The study concluded that the handshake had improved the quality of the interaction, producing “a higher degree of intimacy and trust within a matter of seconds.”

Though it may seem inconsequential, a handshake is in fact a serious step in intimacy. In the same manner that animals define and defend their territories, we humans develop a sense of “ownership” for the space around us. This territory, which is but a few

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Mold to Model the Community Active Law Firm

By **Michael C. Hodes, Esq.**

As law firms grow and become more interested in the international, national and regional marketplace, their involvement in the local community has begun to wane. This has left a gaping hole in many places that have relied on the large firms to bankroll charitable events or to populate the important boards. It has opened a door to local- and state-oriented law firms to step forward and implement a strategy that will create a new law firm culture that I call “Community Active” in order to fill the void left by the mega firms.

Lawyers are under pressure to produce billable hours. How many firms prioritize investment hours that are allocated to community involvement? This creates an opportunity to create a culture of giving both in the form of man-hours and funds back to the community where the firm’s practice is located. At the same time the law firm can create an environment where young associates and young partners can be mentored by placing them in leadership positions in the community.

It is wise for attorneys to spend 200 to 300 hours per year in a way that involves them in community activities. Teaching courses at the community college, university or law school is a terrific way to both get known in a specific genre while also getting to know people in a specific practice area. At the same time it strengthens the instructor’s communication skills and knowledge in the field that they are teaching.

BE A ‘CHAMPION’

Charitable organizations are always in need of a helpful hand. A law firm should consider creating a foundation or a donor-advised fund in order to consolidate their philanthropy within the community of focus. Contributions can be funneled to organizations where a member of the firm is actively involved in the charitable organization. I call this person the “champion” of the specific charity. That person is responsible, along with the firm’s marketing coordinator, to see that all of the spaces are filled at the black tie affair or the golf outing. The “Champion” should be required to report to the executive committee and keep them informed about their activities and charitable involvement. When the firm is solicited for a charitable contribution from an organization where

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MLF 50/II11

Securing Media Coverage in Key Publications

Part 2: InsideCounsel

By Vivian Hood

The second installation of our series exploring the inside scoop from top media outlets took us to Chicago-based *InsideCounsel*. The longest-running monthly magazine serving general counsel and other in-house legal professionals, *InsideCounsel* is the evolution of the former *Corporate Legal Times*, which was launched in 1991. We spoke with executive editor **Robert Vosper** to discuss the magazine's success and discover how he determines what stories and issues get covered.

MEDIA DESCRIPTION

InsideCounsel provides general counsel with strategic tools to better manage their legal departments and fully understand the business/legal risks that companies face today. The magazine regularly includes benchmarking surveys, in-depth analysis of substantive legal issues, regional news and a variety of columns and departments covering such critical areas as litigation, labor, international law and intellectual property. More than 40,000 U.S. in-house counsel, including more than 11,000 general counsel, receive *InsideCounsel* each month.

EXECUTIVE EDITOR

Before joining *InsideCounsel* in 2001 as managing editor, Executive Editor Robert Vosper was the managing editor of *Telecom Business*, a business magazine published by Primedia Inc. that closed in 2001 when the telecom boom ended. He previously was the director of publications at The Field Museum of Natural History in

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Chicago, where he served as the editor in chief of *In The Field*, a magazine for museum members.

Vosper received his B.A. in political science from The George Washington University. He has a master's degree in journalism from the Medill School of Journalism at Northwestern University.

Vosper told us: "I actually was a paralegal for a few years and thought about law school. I was always interested in legal issues and the law, but I decided not to go that route. That's why I like this publication, it's not just a legal magazine, it's a business publication that covers a range of topics aimed at in-house counsel. It never gets boring."

TYPES OF COVERAGE, COMPETITION AND HOW TO PITCH

We asked about the recent overhaul of the magazine, as well as how the magazine is organized. Vosper said: "While we changed the design in January this year, our coverage didn't really change. We also took the opportunity then to change our name, because the old name had a staid feel and didn't address who our readers are and what they do for a living. Our design now shows a more professional magazine, and it reflects the changes that in-house counsel have gone through, as well. It's easier to read, with shortened, punchier and more focused articles. As to the structure of the magazine, we work about 2.5 months in advance of publication, sometimes longer for features and cover stories

Vosper sees several areas on *InsideCounsel's* radar this year: "Intellectual property issues seems to infiltrate all we do, from litigation to regulatory to just ongoing IP coverage. A lot of coverage will be on the impact of globalization on U.S. companies, and their legal departments. We plan to increase our coverage of legal developments in China and we are taking a closer look at the increasing amount of business that is

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Marketing

The Law Firm®

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The Land of Wannabe

By Elizabeth Anne “Betiayn” Tursi

It will come as no surprise to anyone reading this piece that law firm marketing is still, for the most part, not getting the respect that it has so desperately sought. For the past 17 years, I have watched with great anticipation as to whether law firm management would embrace marketing as a vehicle to enabling law firms to better compete. But alas, all I have been witness to is a revolving door of directors and, more recently, Chief Marketing Officers who come and go at a rate that belies understanding.

I’m certainly not the first to report on this constant rotation of marketing executives, but I think I’ll be the first to give an honest assessment of why there is such a turnover in our industry.

WELCOME TO THE LAND OF WANNABE

In the beginning ... law firm management sought to fill the marketing function by either hiring someone with great credentials from outside the world of law or elevating someone who had done a good job in other areas of the firm and thus was “awarded” the title of Director. The credentialed hire for the most part had never seen the inside of a law firm and soon discovered that operating in a horizontal management structure where every partner is a boss and has something to say about their own personal objectives didn’t allow for a successful marketing effort to move forward. The “promotion” to marketing of the otherwise loyal

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employee, who had possibly been at some administrative level within the firm, didn’t get the respect of the partners because they basically continued to view the individual as an employee without the background of having worked in professional services marketing. Both of these scenarios were doomed to failure ... and so it was for the first 10 years in professional services marketing.

Over the last 10 years things have improved — but only slightly. Law firms started thinking that perhaps there was something to this marketing thing. After all, the accounting industry had successfully used marketing to leverage their services and introduce new areas of expertise, such as forays into litigation consulting, which in the final analysis created its own brand of problems. But I digress. Law firms began making an effort to find the right individuals to do marketing planning and implementation. Budgets were approved that captured the essence of a marketing program and permitted Directors and more recently CMOs (a title that for the most part has been highly overused — there are only a handful of true CMOs in law firms) to begin the process of leveraging the firm’s services. This was met with both acceptance and rejection. On one hand, you had partners who said they “believed” in marketing, and on the other hand you had partners who either gave the marketing program lip service or who never, ever used marketing to build their book of business and thought it was a waste of time — and yes, money. There was still the disconnect and the revolving door continued.

At this point, let me open a door or two to fully understand what really happened during the adolescence of law firm marketing. Most law firms are set up in a caste system. Lawyers are the professionals and everyone else sits on the other side of the moat seeking recognition. The “administrative staff” of law firms are people who were either hired for a specific position (such as the controller or,

more recently, the CFO), or as I said previously, grew up in the firm and were promoted into positions that did not give them the required gravitas to garner the respect of the lawyers. While some marketing types were hired from other professional service industries such as accounting, their tenure was doomed to fail because they had too much gravitas and tried (or attempted to try) to actually educate the lawyers on how to market. Once again, doomed to failure because, as many of us can testify, there are those partners who are not willing to open their eyes or pockets to allow someone to teach them a thing or two that actually might lead to more productivity and business.

EXPERIENCE REQUIRED

The other factor, and let me say that this is at the heart of the recent wave of failures, is that most directors and CMOs do not have wisdom of age or the gravitas to command the respect of law firm leadership whose average age is the mid-to-late-50s. Law firms need to stop hiring *kinder* to fulfill a position that is rooted in how a firm will be perceived by the public and how it will prosper. I cannot tell you how many lawyers I have spoken with who say that their marketing people want to act important, hire enormous staffs, ask for lots of money and haven’t a clue as to how to execute a meaningful marketing program. (By the way, empire building is a sure road to failure. Many *kinder* think that this is the key to being taken seriously. For certain it is the key to the door out of the building!)

I have no desire to denigrate that small number of younger directors and CMOs who have actually succeeded in putting together successful marketing programs. Truth be told — they are in the minority. What I see among the most successful CMOs (and by the way in these cases the title fits the individual), is that they:

- 1) have the ear of management

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Wannabe

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(including having a seat at the management table); 2) have come from a corporate environment where marketing is recognized as part of the executive suite; 3) are judicious about building a staff; 4) understand budgeting and accounting measurements; and last but not least, 5) have been given the green light to be a change and/or growth agent.

SELECT THE RIGHT MARKETER

One of the key elements to attracting and retaining a high caliber Director or CMO is to not leave the search to an internal human resources department. The search for this individual should begin at the top with management deciding the hiring process and ultimately selecting the Director or CMO. If the function

for hiring is outsourced to a recruiter or executive search firm, that company or firm needs to be one that has experience with professional services and does not have a roster of resumes that are either non-practicing lawyers (there are exceptions, but these are rare), mid-level to senior law firm marketing managers, or directors that have moved from one firm to another just because they have been employed at large recognizable law firms.

In the selection process, there are several factors that are paramount in making the right decision as to who should lead the firm's marketing efforts. Among them: Personality (being able to move people's thinking); capability (going beyond the actual previous employment record and garnering information on measuring the successes of the individual

from the prior positions); and most importantly, being able to balance the marketing program to ensure that the firm, its practice groups and the individuals that make up the firm are given "equal time" in the implementation of the marketing program.

I'm hopeful that with time we will see a shift in the thinking among law firms on how marketing can move the agenda forward. Someday I want to be able to say that the "Land of Wannabe" is no more.



*To comment on this month's articles or suggest a story idea, contact Editor-in-Chief **Elizabeth Anne "Betiayn" Tursi** at Elizabethtursi@aol.com.*

Media Coverage

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taking place in India. Labor and employment always provides a never-ending supply of stories, as well. While we will report on what is necessary, governance has slowed down, it's not quite as hot as it used to be. We're much more selective about which governance developments to cover."

Vosper gets ideas for articles in a variety of ways: direct pitches, attending legal conferences, networking, blogs, newspapers, and existing relationships his team has developed. He notes that the reporters regularly turn to law firm attorneys as sources.

When asked about the growing, instant-news impact of blogs, Vosper says it doesn't really impact how they determine what to cover. "We use blogs to keep ourselves updated and for some story ideas and research, but hasn't affected coverage. Readers can trust our coverage and the integrity of our stories; it's hard to figure that out sometimes with blogs."

Vosper notes a huge difference between *InsideCounsel* and main competitor *Corporate Counsel*, published by American Lawyer Media,

MLF's publisher. Corporate Counsel includes a fair amount of coverage from its sister publications and elsewhere that may not always be targeted to in-house counsel. Everything we do is to help corporate counsel better manage their legal department and identify legal risks to their clients."

A monthly magazine, by its very nature, has to look to stories with a greater impact than a daily or weekly publication can. We asked Vosper about the kinds of pitches and stories that get his attention.

"We always ask: What does it mean for in-house counsel? How can it help them manage their departments better, and why should we write about it now? If we receive a pitch that doesn't affect in-house lawyers, it won't make it. We look for trends stories, and we want a heads up about what is coming down the pike."

Vosper urges law firm marketers to understand the audience. "Frame pitches with the reason that it is important for general counsel, and pay attention to the departments we cover: IP, labor, litigation, regulatory, global and technology. And please, don't oversell or overpromise, or send us down a dead-end. That will kill any possibility of a future relationship with us."

Vosper oversees several editors and writers who manage their respective departments: Adele Nicholas for litigation, Keith Ecker for technology and Mary Swanton for labor/employment. He also relies on established freelance contributors. Vosper likes to be the main contact for pitches, unless it's appropriate for the beat reporter. It's best to reach him by e-mail at rvosper@inside-counsel.com.

InsideCounsel is the magazine in-house counsel have turned to for advice and insight over the years, but Vosper won't give clues from his crystal ball about the future of legal coverage. "What's so fun is that it's hard to predict."

Stay tuned for an inside look at another media outlet in next month's Jaffe Media Relations column.



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Attorney Blogging: Best Practices

By Joshua Fruchter, Esq.

There is no question that blogging is fast becoming a “hot” trend among lawyers. In an Oct. 7, 2005 article entitled “Opening Arguments, Endlessly,” the *New York Times* noted that although lawyers constitute only 1% of the population, a recent survey of 17,000 bloggers by a leading blog ad network found that 6.1% of bloggers are lawyers. Similarly, in December 2005, the Litigation Section of the American Bar Association asked its members for their take on the blogging phenomenon. The response: 57% of respondents read at least one blog on a regular basis, while 19% are already publishing their own blog (Note: the number of respondents to the ABA survey was not revealed).

Lawyers start blogging for a number of reasons. Some lawyers feel strongly about particular issues, and a blog offers them a virtual “soap-box” to share their opinions with the world. In certain instances, a well-written and popular law blog (known as a “blawg”) can influence public discourse about particular legal, social or political issues. But as with other marketing initiatives, blogs are most frequently viewed by lawyers as a potential tool for developing new business. This motivation is evident from recent articles about lawyer blogging, which all — without fail — share stories about lawyers whose practices received a major boost as a result of inquiries from new clients who had been readers of their blogs. Indeed, why else

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would so many attorneys devote so much time and effort to researching and writing regular blog posts if not for the expectation that their expertise will become more widely known to prospective clients with a need for representation in the subject matter covered by their blogs?

*[O]btaining a high
search-engine ranking
may no longer be enough
to realize the business
potential of a blog.*

To be sure, the expectation of lawyer-bloggers about the marketing potential of blogs is not off the mark. Blogs *are* an excellent business development tool because they deliver exactly what search engines want: targeted content updated on a frequent basis and featuring lots of inbound links from related sites.

However, obtaining a high search-engine ranking may no longer be enough to realize the business potential of a blog. The reason is that as the use of blogs as a marketing tool proliferates among lawyers, differences in quality between blogs covering the same topic will become evident. There are only so many blogs that prospective clients can read on a daily basis, and as the number of choices grow, readers will become more and more selective. It is therefore critical for any lawyer launching a blog to consider “best practices” that will set his or her blog apart from the pack.

DESIGN

As any lawyer well-versed in marketing will tell you, prospective clients often draw inferences about service quality from physical cues such as the appearance of a lawyer’s office or the quality of his or her stationary. A lawyer’s blog should be no different. A blog that employs a visually appealing design will project a professional image, whereas a poorly designed

blog based on some stock template will send the opposite signal about the author’s experience and expertise. Indeed, since a blog is nothing more than a specialized type of Web site, just as a lawyer should think carefully about the appearance and usability of his or her firm’s Web site, the same care and thought should be invested in the design of a blog.

CONTENT

While an appealing blog design will draw visitors, the quality of a blog’s content will ultimately determine whether visitors convert into loyal readers. Unfortunately, many lawyers who could otherwise produce quality content remain misinformed about the frequency and quantity of blog entries (called “posts”) that are required to publish a respectable blog.

The most common excuse this author has heard for not starting is blog is, “I don’t have the time to write so much.” One misconception underlying this excuse is that writing a blog post is akin to writing a lengthy magazine article or novella. The opposite is true. As long as a post is well-written and offers a nugget or two of wisdom and insight, a few paragraphs are adequate.

Of course, the key to high search-engine rankings is frequent posting, and many lawyers feel they don’t have the time to write several posts a week, even if it is only a few paragraphs. The issue here is that many lawyers believe that they have to create original content for each new post. On the contrary, many blogs simply present commentary on content created by someone else.

For example, *The Wall Street Journal* may report on a new decision handed down in a long running patent litigation involving major corporations. An IP attorney with a patent blog could simply link to the article and then write a paragraph or two about the implications of the decision, *ie*, the legal issues involved, the precedents set, implications for similarly situated parties, etc. Or a

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Attorney Blogging

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local TV station Web site might report on the indictment of some prominent individual for embezzlement. Assuming there is enough detail in the report, a criminal law attorney could link to the article and add his or her own thoughts about the legal issues involved in the upcoming trial.

In short, lawyer blogs can demonstrate expertise simply by adding insight and commentary to content produced by third parties. In this vein, lawyers looking for content on which to comment can consider these strategies:

- **Google Alerts.** Google will send subscribers links to any and all news articles published anywhere in the world that contain a keyword or keyphrase selected by the subscriber (eg, "embezzlement"). These news alerts can provide ample fodder for blog commentary.
- **Westlaw/Lexis.** Westlaw or Lexis will provide alerts to subscribers about breaking decisions in a particular area of expertise. FindLaw is also a good source of notifications about new decisions tied to specific practice areas.
- **Other Blogs.** A lawyer-blogger should follow the postings of other lawyers with blogs on similar topics. If a lawyer sees an interesting and relevant post on another blog, then he or she can link to it and comment. The other lawyer will appreciate the link (since links build search engine popularity) and will undoubtedly reciprocate in the future.
- **Government Sites.** Practicing law often involves dealing with government, and many government sites offer updates on new regulations, policies, developments, etc. For example, a criminal attorney with a blog can check in on press releases posted on the Web sites of District Attorney and Attorney General offices on recent arrests, indictments, and verdicts.

In sum, blog content is more about publicizing your own "two cents" than about writing your own treatise.

BUILDING LINKS

As noted, search engines will rank your blog higher the more "inbound" links there are to your blog from other Web sites with related content. In other words, search engines view a link to your blog from a related site as a "vote of confidence" in the quality of your blog.

One strategy already mentioned for obtaining inbound links is to link to the posts of lawyers publishing blogs on related topics. You can also add other blogs to your "blogroll," which is a list of links to your favorite blogs (usually positioned as a sidebar). If you ask, the publishers of blogs featured in your blogroll will generally also reciprocate by adding your blog to their blogroll.

However, there is a method to obtain a link from other blogs to your own without asking for reciprocity. The technique is based on a technology called "trackback," which is a method of notifying another blog that you have linked to one of their posts (we'll skip further technical explanation for now). If the other blog has "trackbacks" turned on, then once you link to one of their posts and notify them of same via "trackback," the other blog will automatically add a link back to the post on your blog where their post is mentioned. As long as the practice is not abused, using "trackbacks" is a nifty way to build inbound links from other blogs that also employ the technology.

AUDIENCE

As is well known, the Internet is a "viral" medium whereby content that you publish can experience geometric distribution as each interested reader passes along a link to your content to friends and colleagues.

The best way to take advantage of this reality for purposes of promoting your blog is to broaden the audience for your blog content as widely as possible. This means giving readers as many options as possible for subscribing to your latest blog posts, including subscriptions by e-mail or RSS (for the uninitiated, "RSS" is a technology that allows subscribers to get an RSS "feed" that notifies them about new posts to a blog without actually having to visit the blog). It

also means liberally linking from your e-mail newsletter and your Web site to your blog.

Finally, when publicizing an RSS feed for a blog, a best practice is to register the feed with FeedBurner. FeedBurner is a special service that substitutes your standard RSS feed URL with a special Feedburner URL that allows you to track aggregate download activity for your feed. But there are other benefits as well, including a feature that will "ping," or notify, a group of popular blog directories and search engines every time you add a new post. These directories and engines, in turn, will index your posts as they are published. FeedBurner URLs will also be separately indexed by the search engines, thus maximizing your opportunities for higher rankings.

Note: there are other techniques for expanding distribution of blog content such as recording podcasts or using Technorati and del.icio.us "tags." However, these are beyond the scope of the article.

CONCLUSION

As blawgs proliferate, lawyer-bloggers need to maintain a competitive edge by employing the best practices mentioned in this article. In this way, they will maximize the return on their investment of time and money in their blogs.



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PM Forum North America, New York Chapter: The New and Improved Version!

By Elizabeth Anne “Betiayn” Tursi

Back in 2004, I wrote an article announcing that the PM Forum was arriving here in the U.S. and that the New York Chapter was being launched. That was then and this is now. The new and improved version is having its inaugural soiree in New York City on May 4th from 6:00 p.m. to 9:00 p.m. at the Club Metropolitan. For further information go to, www.pmforumusa.com/pmfusa/q4smartsite.dll/main. The New York Regional Director is my dear friend and colleague, Guy Alvarez, Founder of the Business Development Institute. The New York Advisory Group in formation is as follows:

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Here is an excerpted version of my original article.

Professional organizations and trade associations are great if they achieve the needs of their members. The American Medical Association does this for physicians and the American Bar Association (ABA) does this for lawyers. When I joined the ranks of being a marketing executive in the legal profession, I found my particular needs being met by being an associate member of the ABA Law Practice Management Section and as the marketing industry liaison to the ABA Commission on Women in the Profession. My particular brand of need was to hear from the experts in law, and as far as I was concerned, those are the lawyers — both from their perspective as those who provide services and as those who are close to the purchasers of their services. I learned a great deal about how lawyers think and what they think about marketing, public relations and business development.

As time went on and I was asked to take a more pronounced role in the Law Practice Management Section, I gravitated to the Women Rainmakers group where I had the opportunity to speak and write on subjects impacting women lawyers and their view of marketing, which as we all know is specialized and different. From that association, I was recruited by the Commission on Women in the Profession to help this group get the word out on the wonderful work that they do. I think that in order for an organization to be successful, it is incumbent on that organization to meet the needs of its membership and also for the membership to feel that they have a “forum” to discuss ideas and be heard. An organization also has to provide information that is useful to its membership as it impacts a profession.

By way of Europe and, more specifically, London, a certain brand of “forum” — the PM Forum — has arrived in North America. The PM Forum, the world’s largest marketing association serving the professional services industry, has launched the PM Forum North America, bringing together professionals from the world of law, accounting, consulting and real estate.

PM Forum North America will provide professional marketers with educational meetings, networking events, a Web site, listservs and other ancillary benefits. The PM Forum is a dues paying, members association which has grown from a handful of marketers meeting in London into a group of over 3000 members (based mostly in Europe) in only 7 years. The organization’s mission is to raise the standards of marketing in the professional services sector and to enhance the internal credibility of marketers through:

- **Peer-group networking.** *Discussing common issues with one’s peer group in non-competing firms is highly valued by members at all levels.*
- **Skill building.** *The PM Forum provides a range of events and training courses suitable for marketers at all levels and for fee earners with a marketing responsibility.*
- **Knowledge sharing.** *Good ideas and best practice are shared in the daily news intelligence bulletins, and across an international network of hundreds of PM Forum members.*
- **Profile raising.** *The PM Forum thought leadership panel of some 150 of the leading marketers in the world researches critical issues, drives forward the PM Forum’s agenda, and ensures that the views of marketers are heard in the public domain.*

Some of the demographics of the PM Forum include:

- *Membership breakdown worldwide — 40% law; 30% accounting; 20% other industries; 10% marketing consultants.*
- *90% top 100 law firms; all top 20 accounting firms in the U.K.*

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PM Forum

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The target demographic for North American members will be the top marketers at AmLaw 100 law firms, Big 4 and major regional accounting firms, and top 25 consulting firms. To date, 175 marketers have become members, and that is just in the first month of the North America's Forum's existence.

The PM Forum North America Web site is www.pmfourmna.org.

Now the question will certainly be asked how this organization will be different than what is already out there. Well, for one thing — and it's an important one thing: The organization is interdisciplinary. It brings

together marketers from different industries who will be in a position to share their experiences and impart wisdom that may not otherwise be available to those in an organization that represents only one profession or industry. I believe that the PM Forum North America is an organization whose time has come. Clearly in the past the meetings and programs that have been presented by organizations affiliated with the legal industry, while interesting, have not brought to the table as many other industry professionals with their views and expertise as I believe the legal marketing profession needs to hear about. We've learned a lot from our peers. As I stated previously, I learned from lawyers and some

clients how to best market our profession. Now I would like to hear from other industries, and indeed have more of a perspective from the client side. Marketing lawyers is different, but it is not so different that the view from other industries might not be where we should be headed. I believe that in putting together a marketing program, whether it be for a law firm or another professional service entity, there is always a better way of doing it, and just maybe in listening to those involved with the PM Forum, we may actually provide the consumers of legal services with value added marketing initiatives.



Handshake

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inches, is nonetheless a sort of “personal space” bubble, and we react strongly if it is invaded.

The size of the bubble varies by culture and by density of population. For instance, the American bubble is far bigger than its French counterpart. The German requirement for personal space is notoriously large. Personal space needs tend to be smaller in all Latin countries, but not quite as small as in the Middle East, where a proverb states one must “smell the breath” of a man to know if he is to be trusted.

No matter how large or small the bubble may be, in every case the physical contact involved in a handshake requires that this barrier be suspended, if only for a moment. In the manner of a drawbridge brought down to allow a knight to cross a moat and enter the castle, lowering the personal space barriers to shake hands is an act of trust, and so *creates* trust. In fact, a handshake can be seen as the first step in a relationship.

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The first sighting of a handshake is among the Egyptians, in 2800 BC. Since then, across cultures, across hemispheres, the handshake has been surprisingly similar — always, the right hand. This last point is what explains the handshake's entire *raison d'être*. Think about it — why the right? The right hand is good for a good many things, yes. But in primal, instinctive terms — which is pretty much how we still operate — the right hand and arm are most valued for weapons. Certain sociologists postulate that this may be the reason why the handshake has conventionally been more of a male tradition, as women were less likely to carry weapons.

In Roman times, the handshake was in fact an arm clasp. One man would reach out his weapon hand and clasp just below the elbow of the other, the better to feel for daggers hidden in his sleeves. Medieval knights took this verification one step further, by adding a shake to the clasp, in order to dislodge any hidden weapons the feel-up could've missed.

There are, unfortunately, as many types of bad handshakes as there are people, so rather than irk you with an exhaustive list, I'll mention just a few of the worst offenders.

Let's start with the well-known *knuckle cruncher*. Yes, it may be a demonstration of machismo. But it could also be the result of a person genuinely unaware of his (or her)

strength, or of misguided teachings — some women have been taught that the tougher their shake, the more seriously they will be taken, and hence crush your hand as if their life depended on it.

A strong contender for the best-known baddie is the *dead fish*, where a limp, lifeless hand is extended, and barely shaken. It gets even worse when the hand is cold and clammy. This is, perhaps, the worst of all delinquents — the cruncher at least communicates something, whereas the message sent by the dead fish is completely apathetic. This handshake can ruin an interview before it even begins. If you suspect you have any tendency toward dead fish shakes, you will need to act fast — just like dead fish, the longer they're ignored, they more they stink.

Another great classic is the *finger squeeze*, which, sadly, certain women believe to be “more feminine” and hence “more appropriate.” But it can also be the result of confusion, bad timing, or over-eagerness (wanting to squeeze too soon). The *pumper* can also give an impression of over-eagerness or insecurity as one person just keeps pumping away, afraid to let go.

Now we get into the lesser celebrities. The *sanitary shake*, where the hand is barely touched, and quickly

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Proving ROI on Marketing By Measuring Marketing Effectiveness

By Larry Bodine and Suzanne Lowe

Management guru and author Peter Drucker said, “If you can’t measure it, you can’t manage it.” So why is it that so few law firms measure their marketing efforts? Why is it that so many CMOs that are getting hammered by partners to demonstrate ROI on their efforts can’t do it?

In our just-released 2006 study, “Increasing Marketing Effectiveness At Professional Firms,” more than 377 senior marketing and management respondents gave us plenty of reasons:

- Our people aren’t inclined to measure.
- It’s hard to change their mindset.
- Measurement is not viewed as a worthy activity.

- Our people avoid accountability.
- Measurement is perceived as too hard, too costly and too time consuming.
- We’re too small or new to have our act together.
- Our marketing leadership is new.
- We have no dedicated measurement resources.
- We have no measurement budget.
- We are in too much turmoil to focus on measurement.

Boo-hoo, we say. Measurement obstacles are largely self-caused, and are related to myopia, inertia, and avoidance of accountability. You better start proving a return-on-investment on your marketing efforts to keep your job. Here’s how:

MEASURING MARKETING EFFECTIVENESS

For starters, your firm needs to have a budget for measuring marketing. We were very surprised that only a fraction of our respondents’ firms have a separate budget line for evaluating the effectiveness of their

marketing programs (340 said “No” when asked if their firms have a separate line item for marketing measurement; only 37 said “Yes”).

Your argument before senior management to get this line item is that your firm could bring in more revenue, if only it deliberately added structure to measuring marketing effectiveness. “Half the money I spend on advertising is wasted; the trouble is I don’t know which half,” said department store merchant John Wanamaker. You don’t want to be heard saying that.

Once you’ve got the funding, exactly what should you measure? According to our research, law service firms that want to excel at marketing should use these three Client Metrics.

- 1. Growing client revenue.** “Did you grow revenues with your client or not?”
- 2. Moving the phases of a sale through a pipeline.** “Did you close the sale or not?”

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Handshake

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withdrawn, tends to leave a feeling of rejection. The *pull-in* can start with a good shake, but its ending (directing you toward a certain direction) will ruin any good feelings initially created, and can feel somewhat manipulative.

More direct is the *dominant*, characterized by the hand extended palm down, symbolizing perhaps the intention to “have the upper hand” in the equation. A nasty variation of this would be the *twisting dominant*, where the hand is extended innocently straight, but twists once the shake is initiated to gain the upper hand. If you receive this kind of a shake, watch out! It tells you a thing or two about how this person intends to conduct the relation.

We’ll close this woeful list with the classic *two-handed handshake*. In this case, you’ll also feel the left hand at work, closing in on your hand, wrist, arm, shoulder or neck. It’s also known as the “*politician’s handshake*”... Enough said!

So what, say you, are the ingredients of a perfect handshake? I’m so

glad you asked. First things first: Make sure your right hand is free. Shift anything it may be holding — briefcase, purse, etc to your left hand, well in advance, as you don’t want to scramble at the last minute.

Avoid holding a drink in your right, especially if it’s a cold drink; the condensation will make your hand feel cold and clammy, thus producing the dreaded *dead fish*. If you tend to have clammy hands, just give them a spray of antiperspirant before you leave the house.

Rise if you’re seated, no matter whether you are a man or a woman. And even if you have nothing in your hands, keep them out of your pockets — showing your palms, being open-handed, makes you look more open and honest.

Make sure to use plenty of eye contact, and smile warmly but briefly — too much, and you’d appear overeager. For the same reason, make sure your arm is fully extended — an arm too close to body looks insecure. Keep your head straight, without tilting it in any way, and face the person “heart to heart” to ensure full frontal facing.

You’ll want to keep your hand perfectly perpendicular, neither dominant (palm down) nor submissive (palm up). If you’re in doubt, focus on keeping your thumb pointing straight to the ceiling. Here are the two most important points to remember: first, open wide the space between your thumb and index finger to make sure you get contact between the webs of your thumbs.

Second, ensure contact between the palms of your hands by keeping your palm flat, not cupped, and by draping your hand across theirs in a diagonal. Think of the trapezists’ handshake: you almost have your index finger on their pulse (almost, but not quite). It’s as if you were trying to engulf their hand in yours, embracing their hand.

Once full contact is made, put your thumb down, lock thumbs, and squeeze about as much as they did — firmly, but no more than they. Shake from the elbow (not the wrist), linger for a moment if you want to convey particular warmth, and step back.

Voilà! You have performed a perfect handshake — I knew you could do it. Congratulations!



Proving ROI

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3. Listening to the client. “Did you listen to the client or not?”

Put another way, if you can't measure the results by one of these three metrics, you shouldn't pursue the marketing effort. You are wasting your time — and risking your job.

These three Client Metrics are unequivocally objective and obvious, clearly identified with clients, and feature very tangible outcomes. They are fact-based and “non-ignorable.” And *the more* Client Metrics our respondents used, *the more* they said they were “extremely effective” in growing revenues against competitors.

WHAT OTHER LAW FIRMS MEASURE

So please forget about measuring marketing by counting the number of publicity hits, or number of attendees to your seminar, or number of magazine copies in which your advertisement appeared. These do not relate to points 1, 2 or 3 above. Push down the time you spend printing and rewriting brochures, writing ad copy, arranging menus for dinners, and developing branding campaigns. Delegate this work or send it to an outside agency.

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Instead, be like survey respondent Patrick Lamb, a partner at Butler Rubini Saltarelli & Boyd in Chicago. “When I arrived, the first thing we did was analyze how much revenue we were getting from our clients. We found that our revenue was concentrated in a small number of key clients. If any left, it would be catastrophic, so I decided we needed to do client satisfaction studies.

“I was able to convince the two senior rainmakers to try it. The senior partners were skeptical at very beginning; they hadn't heard about the approach, but there is a fairly compelling intellectual case you can make. They got very positive feedback from their clients. They were pleased that anybody would take the time to find out what they think. By the time we got back from the first interview, the client had called the relationship partner and said it was great.”

Lamb said his firm keeps track of three things:

1. The number of disputes that are brought to the firm;
2. The size of these disputes; and
3. The percentage of work the client is giving us.

Or follow the model of Lindsay Fikowski, Regional Marketing Manager for McCarthy Tétrault based in Calgary, Alberta, Canada. A key marketing initiative is to increase the firm's “share of wallet” — its share of the client's legal work. “We ask clients what their legal spend will be for the next year, and this can lead into very detailed discussions. Our next step is to develop a profitability measure for each client. We're working on that,” she says.

The firm also pursues a targeting and segmenting program. McCarthy Tétrault measures results by comparing the level of work in these key sectors against prior results. “We try to estimate very roughly what our market share is based on our estimate of the client's legal spend. We try to figure out where we stand, whether we are the #1, #2, #3 or #4 firm for the client.”

“Lack of partner buy-in can be an obstacle,” she concedes. “Marketing is very hard for the lawyers to do; they don't always know how to do it. They need to have a long-term plan in place — at least 5 years — because they

may not see any work for 5 years. One year is too short-term for a plan,” she says. But she overcomes the internal obstacles because, “we demonstrate the value of the our approach to the partners and find ways to make it useful to the partners.”

YOU SHALL OVERCOME

The perception that measurement is challenging however, is real, and must be overcome. Our study outlined a law firm marketing team's main function: leading firms to succeed at five strategic marketing goals.

1. **Define and identify** the most strategically important prospects/clients (*ie*, segmenting the market, targeting the “right” clients, and prioritizing which clients or industries to pursue or to avoid).
2. **Acquire** the most strategically important prospects/clients (*ie*, establishing a firm's attractiveness, credibility and thought leadership with the “right” clients and successfully winning new engagements with those targeted prospects/clients).
3. **Retain** the most strategically important clients (*ie*, fostering increasingly significant client/firm relationships, and successfully keeping current engagements with targeted clients).
4. **Increase the firm's amount of revenues** with its most strategically important current clients (*ie*, known as cross-selling in some sectors, this means increasing each current client's use of the firm's entire service portfolio and the firm's penetration into that client's available “share of wallet”).
5. **Increase the perceived value** of the firm to all audiences, including non-targeted prospects and clients, influencers, suppliers, and current and potential employees (*ie*, growing the firm's overall brand value and thought leadership equity; building broad awareness of the firm and its favorable reputation in its marketplace; and increasing its perceived eminence generally).

Measure your marketing and measure it well. Your firm will be glad that you did.



The MLF 50/II

The Top 50 Small to Mid-Size (10-100 attorneys) Law Firms in the Areas of Marketing and Communications Will be Announced in the July Issue of Marketing The Law Firm

OVERVIEW

Once again, our readership has requested that we launch a listing of The Top 50 Small to Mid-Size Law Firms in Marketing and Communications. I'm a big believer that many smaller firms can "do more with less" in terms of marketing dollars. I've seen very inventive and forward thinking marketing strategies come out of some of smaller to mid-size firms, and so for that reason and many others, here is an opportunity for those firms to showcase their marketing and communications strategies. This listing will bring to bear all the achievements of these firms. My hope is that as many firms as are eligible will submit essays so that the listing will showcase these worthy firms.

CRITERIA FOR SELECTION

Law firms of 10-100 attorneys are eligible to enter. Each firm will be required to write an essay of 750 words (segmented by topic, *eg*, if you are describing a marketing strategy, please begin your description with the category sub-heading — in this case "Marketing Strategy") describing their marketing and communications program. The following criteria will be used to evaluate each firm:

Marketing Strategy. Formal plan (*ie*, needs assessment, overall firm plan, target industries, practices area plans, proposal strategy for major engagements and new-business pipeline reports, cross marketing, individual

marketing plans); an example of a success including implementation and cost; whether or not a yearly budget is created and the criteria used in creating the plan with line item examples; and examples of major new initiatives.

Results. Measurable return-on-investment in specific efforts, and how expenditures on specific strategies and tactics resulted in new matters, clients or additional profits.

Marketing Department. Staffing, including: "who does what" and why; size of staff; deployment of staff; CMO/Director reporting requirements; committee (if applicable); process for integrating new professionals in to the team retention efforts; professional development opportunities for the marketing staff; ratio of professionals to lawyers; and cutting-edge positions

Communications/Public Relations/Media Relations. State objectives, strategies, planning and implementation. Where possible, demonstrate integration with marketing programs. Tie results achieved to planned objectives. Estimate budget and whether internal or public relations agency resources spearheaded the efforts. Emphasize sustained efforts and proactive approaches to communicating with target audiences using internal and external communications to influence the visibility, image and reputation of the practice or firm. Describe specific ways external and internal communications strategies were used to demonstrate the knowledge of individual practitioners and/or firm. Explain ways your firm develops ongoing relationships with the news media to stimulate media inquiries, interviews, by-lined articles, case histories, speaker platforms, seminars, trade shows and community involvement. Include examples of how

your firm uses its Web site, internal communications, Web conferences, e-zines, blogs, etc. Quantify/measure results achieved contrasting pre- and post-program conditions.

Commitment. Marketing requirements for partners and associates, training programs, percentage of gross revenue as applied to marketing; participation of marketing partner on governing body of firm.

Advertising and Visual Communications. Approach, implementation, and one example of a return on investment.

Web Site and Firm Blogs. Development, "look and feel," leads and clients from visitors, increase in traffic or search engine ranking.

Client Service Programs. Goal setting, client service teams, client surveys, metrics and ROI.

Outreach. Community activities, pro bono and diversity programs that utilize marketing strategy and communications.

All submissions are due by June 15, 2006 and should be sent via e-mail only to Elizabeth Anne "Betiayn" Tursi, Editor-in-Chief, *Marketing The Law Firm*, at elizabethtursi@aol.com. Any collateral materials accompanying the essay must also be in a format that can be transmitted via e-mail. No entries will be accepted that are sent via mail or fax to Law Journal Newsletters.

— Elizabeth Anne "Betiayn" Tursi, Editor-in-Chief



Community

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there is no champion, then you should ask whether you can become active in that charitable organization. If this is possible, you can make a strategic placement of a young leader in your firm on a key committee or on the board of directors of the organization.

As a firm member matriculates to a leadership role in the organization, then your level of philanthropy from your foundation can escalate. When a firm member rotates off a charitable board, try to place a young leader from your firm into an entry-level board position. Perpetuating your "Community Active" role in the charitable organization is very important.

It makes sense to also support the spouses of firm members in their charitable endeavors. Recognize that an attorney's spouse is an ambassador for the firm within the community. This permits a Community Active firm to reach its tentacles into more and diverse parts of the community.

Do not forget your paralegals, secretaries, receptionists, and clerks. Encourage them to participate in walk-a-thons, the United Way, and other philanthropic endeavors. Your foundation should support these activities and match the funds that they raise. This helps to create teamwork throughout the firm. At the same time, you can permeate the community with more people who show the firm's philanthropic attitude.

Some members of your firm are active in their church or synagogue;

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other folks are interested in education or health care. Encourage attorneys to get involved in any activity that they believe in and desire to invest their energy in.

***Encourage attorneys
to get involved in any
activity that they
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invest their energy in.***

Attorneys can also be encouraged to become politically active — if this is an area of interest. An attorney will get more bang for the buck by devoting their energy to state and local elections. These elections have more impact in the local community. Political activism can result in an appointment to a state or local task force or commission that can be both interesting and prestigious. At the same time, it is wise to avoid controversial appointments that could anger clients and referral sources.

The local or state chamber of commerce, or a group of this sort, is a great way to combine an interest in the community, legislation and politics. You can involve a number of attorneys in these organizations. If you have multiple locations, you can join several of these groups and populate each with multiple members of the firm. The networking and leadership opportunities abound. At the same time, attorneys will have the opportunity to interact with business leaders from difference genres.

INVOLVEMENT AT THE TOP

The key to inculcating an entire law firm with a community active awareness begins at the top. The management body of the law firm must lead by

example while also mentoring younger attorneys. The marketing department must also coordinate and help the firm implement the strategy. Each attorney should be quizzed about his or her community involvement on a periodic basis. Keep a list of these activities and post them on your Web site. Most important, it should be an element to consider at year-end when determining one's salary and bonus.

It is important not to over commit oneself to an organization. Merely placing your name on the letterhead without a commitment to the organization, other than a financial one, can actually reflect negatively on the firm. Those attorneys who actually roll up their sleeves, get involved and become an integral part and ultimately become a leader in the organization actually benefit in a number of ways. Initially, they become familiar with people in all walks of life, many of whom may not be familiar with the attorney or the law firm. One can also develop management and leadership skills that can be learned from others who serve in a similar role in other businesses and industries. Best of all, over time you can develop relationships with others in the business community who can become a referral source — or better yet, a client. The final benefit for the community active law firm is the good word on the street. When an attorney's or the firm's name is mentioned, it will be recognized and a good buzz will be on the street.

Developing the community active attorney and law firm can only benefit the law firm. It takes five to 10 to really make it happen. As part of a marketing and public relations strategy, it makes economic sense.



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