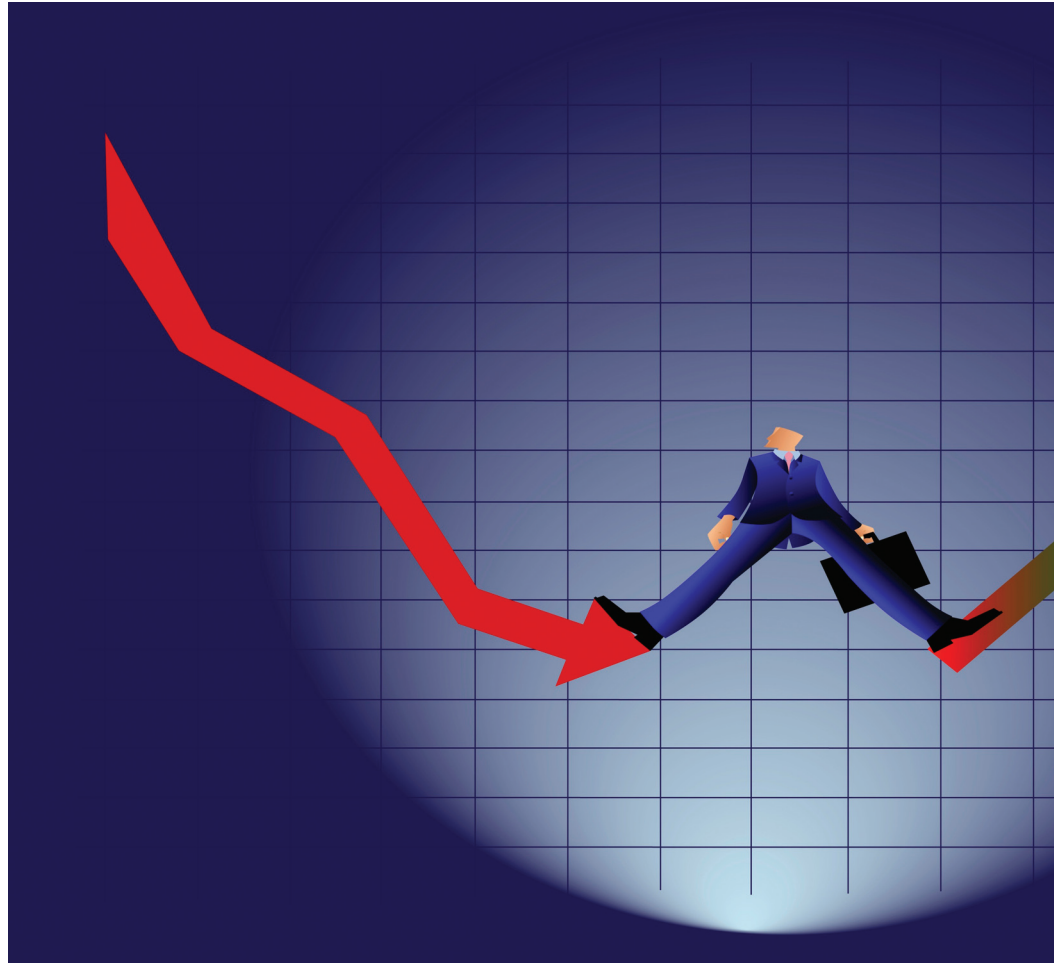


Growing Your Practice

By Kerry P. McInerney

A combination of strategies may help you not only weather the “Great Recession,” but come out of it better than before.



Banks are failing. Established manufacturers and retailers are declaring bankruptcy and closing their doors. Home mortgage foreclosures are at unprecedented levels. While only months ago the Dow Jones Industrial

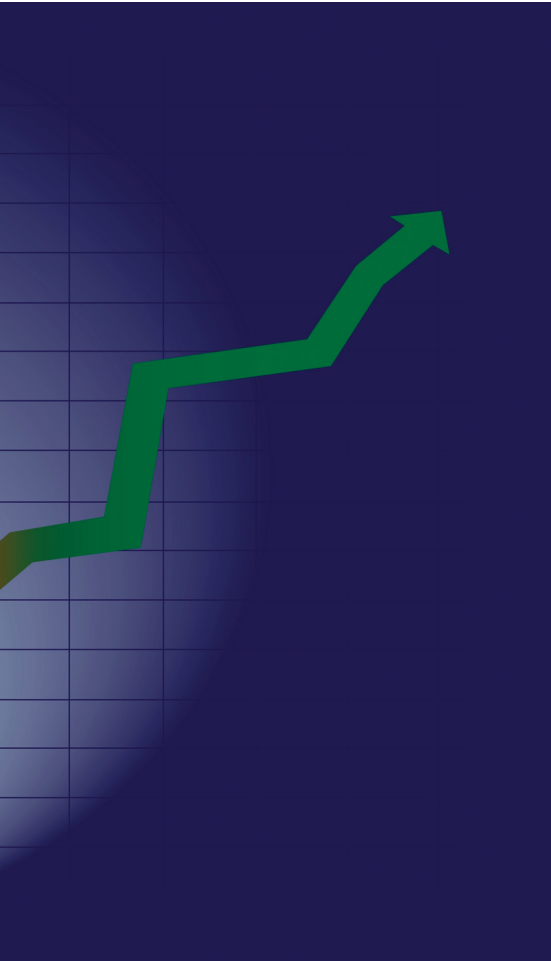
Average was over 12,000, the level today is below 7,000. While the American component of the global economy has not hit the depths of the Great Depression, and hopefully never will again, we are certainly in the throes of what might be described as the Great Recession.

Of course, no one reading this needs to be told that the global economic downturn has reached the legal profession. What began on Wall Street has passed through Main Street on its way to Courthouse Square, literally and figuratively. In my home state of Alabama, the courthouse



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in a Shrinking Economy



is almost always at the heart of a square in the center of town. When I go to court these days, store windows are more often empty than not, and those local hardware stores and diners still in business are plying their wares at steep discounts.

Lawyers and law firms are not immune. Indeed, lawyers are not even next. We're affected now:

Almost 800 associates and legal staff nationwide returned home jobless Thursday after eight firms conducted mass layoffs, citing an unprecedented downturn in demand.

And the bloodletting is likely to continue...

"It is now apparent that this downturn will be deeper and broader than past recessions, and all business sectors will be adversely affected in some way," Goodwin Proctor Chairwoman Regina

Pisa wrote in a memo announcing that the firm would lay off 38 associates and 36 staff....

...The cuts come after a nationwide round of massive layoffs two weeks ago that sent more than 1,000 lawyers and staff packing.

800 Law Firm Jobs Lost in One Day, Amanda Royal (The Recorder, Feb. 13, 2009).

Do I have your attention? If not, read on:

The law firm layoffs haven't let up. Four major firms announced job cuts on Monday, totaling more than 300 attorneys and 522 support staff.... Just over a week into March, it appears that the month won't provide any reprieve from the mounting legal job losses. According to the U.S. Department of Labor's Bureau of Labor Statistics, the legal sector lost 4,200 jobs in February and 1,300 in January. Several legal consultants said they don't see the job cuts slowing down any time soon.

Latest Layoff Wave Sees 300 Attorneys, 500 Staff Cut, Karen Sloan (<http://www.law.com/jsp/article.jsp?id=1202428926543>), Mar. 10, 2009).

Sobering stuff. So, in these trying times, what's a lawyer to do? More to the point, how does a lawyer thrive instead of just survive, in today's economic and legal market?

As evident by all the legal layoffs—many by large, established firms—there is no magic bullet to solve this problem. Although I went into the law partly because I understood there would be no math, the equation is simple: a bad economy mean less business, which equals fewer billable hours. There are, however, some simple strategies that can help you to weather The Great Recession. Some of the strategies are basic, the kind of lessons we all learned as young lawyers, and others are particular to developing business in today's hard market.

Both strategy sets are essential for you to grow your practice in today's shrinking economy. The practice development "Basics" are really foundational marketing skills for lawyers of all levels of experience. A successful law practice is built upon this basic foundation in *any* econ-

omy. All too often, however, we ignore the Basics because we are too busy tending to the needs of the day. We turn to them only when our inboxes are empty. Today's economic conditions are a grim reminder that we simply cannot afford to put off the Basics until tomorrow.

But even a daily focus on the Basics may not prove sufficient now. The harsh realities of our current economy demand additional strategies which are tailored for developing business in today's hard market. Because what works in a boom may not work in a bust, we must consider the impact of the economy on our clients and then determine how we can offer value to our clients in light of that impact. We must analyze, adapt, and innovate if we are to succeed in developing new business while the economy shrinks around us. Hopefully, the combined strategies suggested here will help you not only to weather the Great Recession, but to come out on the other side in better shape than before.

The Basics

First, the Basics.

Lesson One: Internal Marketing

An experienced lawyer without clients is an employee, and the average young lawyer (YL) has no clients of his or her own. Young or old, those lawyers spends their days, and many nights, helping to solve the problems of their firm's clients. Indeed, being the best lawyer possible is the primary focus of every lawyer. But all lawyers should be mindful that there will come a place where the rubber meets the road. Historically, that place for a YL has been the day he or she makes partner. For all lawyers today, that place is when the firm management decides who will stay and who will go. After all, as one of my partners is fond of saying, "He who pays the piper calls the tune."

So, how does the average clientless lawyer who spends his or her days and nights learning and helping other people's clients find the time to develop clients of his or her own? No worries. Although you may not have realized it, you're doing it already! The process is called "internal marketing."

What we all learned as young lawyers, but too often forget as we climb the partnership ladder, is that in doing the very best job possible, we develop client relationships both within and without the firm. Don't just think of your firm colleagues as partners. Treat your partners as *clients*. Take their problems seriously, and do your best to solve them quickly and efficiently. Con-

Take a moment to genuinely point out a colleague who has done something special. The recognition will reflect positively on you as well.

sider each new matter from a partner with whom you routinely work as a new file from a good client. Consider a new matter for a partner you've never worked with as a new file from a new client. This process will reward you with a full workload and it will teach you how to best serve the clients that one day will call.

And call they will. If you provide your partners with the kind of respect and service that all clients deserve, your partners will *want* to bring matters to you to handle. Clients will perceive and share your partners' approval of your work. As a result, you will have more and more direct client contact. Before long, you will find these clients will call you directly with a new file. Internal marketing works, and it works more quickly than you might expect.

Here are some tips for effective internal marketing.

Do unto Others...

What kind of lawyer would you want to hire? Be that kind of lawyer. Return calls from clients and partners promptly, and pay the kind of attention to your files that you would expect from your own counsel. Remember, the law is a service profession. Sell your best possible service.

Be All That You Can Be

This doesn't just apply to the Army. Be available and responsive. Work hard and be thorough. Maintain a positive attitude, and offer to go the extra mile.

Network

Networking at firm functions is great practice for future networking events, such as DRI seminars. Offer to assist partners with whom you have not yet worked. Attend firm functions and be visible. You never know, that tax lawyer you don't know may very well just hire you to handle a matter.

Peer Comparison

Finally, a good way to tell if you're on the right path is to evaluate how busy you are in comparison to your peers. A busy lawyer is probably doing a better job—and a better job of internal marketing—than a colleague who is always looking for work.

Lesson Two: Counselor, Represent Thyself

In Lesson One, "Internal Marketing," we considered how to successfully cultivate client relationships through internal marketing. Now let's focus on how to convert internal marketing success into the first steps toward professional advancement.

Most attorneys dream of becoming the top dogs at their firms, but that summit may seem out of reach for the average lawyer at the bottom of the letterhead. Law school teaches us how to think and write, but not how to scale the pinnacle of professional achievement. Sure, the recipe for success includes hard work and commitment. But that recipe is incomplete without at least one additional, crucial ingredient: marketing your successes to your colleagues. This can be a delicate undertaking, but it is a professional necessity. And as with anything worth doing, the trick is doing it right.

Many lawyers, both young and old, don't realize that they struggle for advancement not just with each other, but with *all* members of their firm. All too often, we believe "if I do it, they will notice and reward me." This is real life, people, not the "Firm of Dreams"! In reality, your partners have better things to do, such as making sure *their own* achievements are on the firm management agenda, than to pay attention to your every move.

It goes without saying that one cannot

market an accomplishment without first accomplishing something. Once something worth marketing has been accomplished, law firm advancement requires both skill and nuance—and this applies regardless of career stage. Experienced lawyers now find themselves at risk of becoming expendable in the eyes of the managing partner, due to the economy. How can lawyers get ahead? Simple. Counselor, represent thyself!

We advocate for our clients every day, but we often neglect ourselves. You would never allow a client's achievements to go unnoticed, so take the same initiative for yourself. But hold on—don't just pat yourself on the back—that will feel uncomfortable and will not be received well by others. Rather, imagine the distinction between *blowing* your own horn (bad) and *causing* your horn to sound (good). One way to make the right noise is to "hire" a lawyer. Consider asking a respected partner to sing your praises to the powers that be, especially for partnership or compensation. Better yet, in firms with marketing staff on board, this is one of the precise reasons they are employed. Put them to good use!

You work hard every day for each personal and professional success. Here are some tips for making sure that hard work does not go unnoticed.

Be for Yourself

As mentioned, don't assume that your accomplishments are on everyone's radar. Find out who really needs to know what you've done, and make sure that they know about it. If your firm has a marketing professional on staff, this is the ideal person to help make sure your horn sounds, and that the tone is just right.

But Don't Be Only for Yourself

Remember, advancement requires not only skill, but also nuance. You'll have better success with the occasional torpedo than the constant barrage. Also, take a moment to genuinely point out a colleague who has done something special. The recognition will reflect positively on you as well.

Be It Now

Remember what happens to he or she who hesitates. While you sit idly by, others will move onward and upward. Come on, there's no time like the present!

Ultimately, the importance of marketing your accomplishments can be summed up in something a wise person—my grandfather—told me when I was a boy: “Once there was a man who wanted something. He didn’t ask for it, and he didn’t get it.”

Lesson Three: Want Fries with That?

For two, quite unparalleled days in my youth, I worked for McDonald’s. It’s true—I, too, proudly bore the Golden Arches on the front of my standard-issue polyester. Although my beef-flipping tenure was brief, the experience served me well later in my lawyering days. What, you ask, did I learn from Mickey D’s that could benefit my career as a commercial litigation attorney? For one, the only surprise about the film *Super Size Me* was that its message was actually a surprise to anyone. I also learned how to properly stack a Big Mac (“Two all-beef patties, special sauce...”).

But I digress.

Long before its franchisees learned to sing “I’m lovin’ it,” McDonald’s taught its employees a valuable marketing skill: *suggestive selling*. Indeed, McNerney’s stint at McDonald’s began with a training video that preached the importance of suggestive selling. That, and the importance of double-folding the top of all to-go bags.

I learned to encourage each customer to order a combo meal. If a customer only ordered a sandwich and small drink, I’d suggest fries and a larger drink. When concluding the order, I’d suggest a delicious, golden-brown, hot apple pie for dessert. Customers may find the practice annoying, but McDonalds finds it profitable. Many millions of dollars in annual sales result from suggestive selling. Imagine my surprise when one day, quite by accident, I discovered that the lessons of that McDonald’s training video could help generate business as a lawyer.

Years ago, I met with a friend about a lender liability suit I was defending for his bank. Quite by accident, our conversation turned to estate planning. I discovered that my friend, who was accustomed to dealing with lawyers on a daily basis, had no experience securing personal legal services. The next thing I know, I’m explaining why he needed an estate plan to avoid unnecessary tax liability and to protect his wife and small children. A few days later, our firm had a new estate planning client, and

I had strengthened the business relationship with my friend.

Our clients usually call us about a specific legal matter that needs handling—a contract to enforce, intellectual property to protect, a lawsuit to defend. Sometimes, origination of the next matter is only a suggestion away. “Cross-marketing” is a hot buzzword in legal marketing circles, but it’s really just another way to apply suggestive selling to the practice of law. Done properly, suggestive selling for attorneys should not be annoying and can provide a service to your client that he or she may not have known was necessary, or that you and your firm even offer.

Here are some tips for converting your next single order into a Happy Meal.

Sample the Menu

Offer to take a partner to lunch. Ask about his or her practice and how it could benefit your clients. He or she will appreciate your effort and interest, and you will add another item to your value menu.

Research Your Customers

There is no limit to the benefits from learning about your clients and their businesses. Does the HR department need employee benefits administration assistance? Are their copyrights and marks up-to-date? Do your clients need estate planning? Do they like pickles?

Ring Up That Sale

As with all marketing efforts, keep your eyes and ears open and, whatever you do, make sure you’re in the right place at the right time. Got that out of the way? Then when the opening present itself, suggest that your client try that hot apple pie!

Next time you’re in line for some fast food, watch how many carb-conscious customers realize that they actually do want fries with their meat wrap. Yes sir, take it from one who has logged days before the jury box and the fry basket—suggestive selling *works*. Of course, I also worked as a professional actor in downtown Detroit, but that’s another story.

Lesson Four: Proficiency...

There Is No Substitute

By a show of hands, who wouldn’t rather drive a Porsche than a Yugo? I thought so. Here’s a newsflash: the same is true for your

clients. What is more, those same clients would prefer a Porsche over a Yugo when it comes to the legal horsepower of their outside counsel.

True, you have a winning personality. Yes, you’re responsive and you attend to every detail. You are firm but civil, and you are personally invested in solving your clients’ problems. As essential as these characteristics are, however, they mean little if you do not know the law and mechanics involved in the defense of your client.

I recently asked some clients and a few local judges the question, what makes a good lawyer *great*? Uniformly, they defined a great lawyer as one who knows the law and commands the skills to try a case. Neither client nor court tolerated a lawyer who lacked proficiency in the substantive law or the mechanics applicable to a given case.

It may seem elementary, but we all have skills that we could improve, knowledge that we could augment. We service our car every three to five thousand miles, but we can be tempted to put off our own legal tune-ups. When we do that, we become rusty and risk being passed by a flashy, new roadster. Keep your competition in the rearview mirror by scheduling regular trips to the legal shop.

Here are some tips for revving up your legal engine.

Boost Your Octane

Improve your performance by knowing as much as possible. Attend CLE seminars to keep abreast of the latest developments in your substantive area of practice. (DRI’s are the best!) Another idea is to write an article—you’ll learn much by simply researching your topic.

Fine-tune Your Handling

A huge motor is worthless if you can’t take a curve. Brush up your trial skills, from taking an effective deposition to admitting exhibits at trial. You can’t tell a great story if you can’t get your evidence admitted.

Schedule Routine Maintenance

You wouldn’t drive your Porsche for months on end without taking it in for service, so treat yourself the same way. Regularly schedule your legal tune-ups. That way, you can deliver that Porsche that your clients and judges expect.

**Lesson Five: Essential Non-Billable Hours**

Once a week, this lawyer appears before the most rigorous of tribunals. Judgment is swift, the preparation is demanding, and the clients tolerate few mistakes. Although this job is entirely non-billable, the hours spent represent something *every* lawyer needs: *essential* non-billable hours. What could mine be? Coaching my eight- and six-

was still asleep. I woke her and her three-year-old sister and began our morning routine. I was pretty proud of myself as the morning wore on. Both girls were dressed (in clean clothes), fed (I planned the breakfast menu the night before), and ready for our trek to preschool, all without incident. Good thing, as I had a short conference call with a judge at 8:00 a.m. before we could leave the house that day.

All was quiet when the appointed hour arrived. I secured my one-year-old in her high chair with a Sippy cup and instructed my three-year-old to sit quietly on the floor and color a picture for Mommy while Daddy made a quick phone call. However, the very instant the judge answered, my three-year-old announced in a loud, clear voice, “Daddy, I have to go poopy!” Thankfully, the judge was a devoted family man himself and covered my strangled embarrassment by *sua sponte* granting a 20-minute continuance.

I refuse to shortchange either my billable or non-billable responsibilities. The briefcase in my den reminds me how hard I must work for my clients, and the family portrait in my office reminds me why I work so hard in the first place. Paying full attention to my clients *and* family *and* community requires extra effort, but the result is a balanced home life and law practice.

Here are some tips to help you to strike a balance between your billable and essential non-billable hours.

Bring Home the Lessons You Have Learned at the Office

Organization and followthrough are as important when tending to yourself as to your clients. Treat yourself the same way, and you’ll neglect your own needs less often.

Find the Time

Look closely at your schedule and *find* the time. Can’t find time to get to the gym? Bring your lunch and exercise during your lunch hour. By week’s end, you’ll have a thinner waistline and a fatter wallet.

Make the Time

Can’t find any time in your already packed schedule? Bite the bullet and *make* the time. Try waking up a half hour earlier and going to bed a half hour later. It may not seem

like much, but it will add five hours to your work week.

Finally, when you feel bogged down from the weight of your billable responsibilities, think about why you got into this business in the first place and what energizes you. Keeping your eyes on that prize will help you to strike the balance between your billable responsibilities and essential, non-billable hours.

Business Development in a Down Economy

If you skimmed through or completely ignored the Basics, do yourself a favor and reread them. While they are the fundamentals of business development, they are lessons we should all periodically revisit. When we get busy, we can become complacent and grow rusty on what made us busy in the first place. Next thing we know, we turn a deaf ear to the sound of opportunity knocking. Don’t let this happen to you, now more than ever.

The Basics are vital fundamentals, but not enough for you to survive, and perhaps even thrive, during The Great Recession. The legal market is flooded with lawyers, but the business sources are drying up. We must create new and different ways to approach business and practice development, ways which have specific application to today’s economy. Thus, we now turn to some specific tips for developing business in today’s hard market.

Find Your Voice

You’ve mastered the Basics. You’ve enjoyed success with tried and true business development efforts such as giving speeches, writing articles, entertaining clients, and the like. You are ready to adapt to the shrinking economy and grow your business. What should you do first? I suggest you take a long look in the mirror.

Times are tough, and budgets are tight. We cannot afford to waste time or resources, as our economy dictates that we simply must make the most out of every dollar and every hour. Thus, the first step in maximizing your business development return on the investment of your time and money is to focus on efforts at which you have the best chance of success. How do you know what those efforts are? Find your voice. Let me tell you what I mean.



Your chances of success in developing business will not be very high if you focus on efforts at which you do not excel.

year-olds’ soccer teams!

Balance might be the most valuable lesson any lawyer learns. Like you, there never seem to be enough hours in my workday... filing deadlines to meet, briefs to write, law to research, documents to review, and so on. Sometimes it’s tempting to wonder, will there be anything more? The obvious answer is not only that there is, but there *must* be. The real question for each of us is, how do I find the time for essential, non-billable hours? Simple—*balance*.

We are taught early to prioritize and manage our billable time. But we would all burn out quickly if we only focused on billable hours. We must also identify the essential non-billable hours that energize us. Over time, I have learned to strike a balance between my billable and non-billable hours. Often, this requires an early start, a late finish, and every ounce of energy I possess. For me, the essential non-billable hours are spent playing an integral role in the daily lives of my children and wife of almost fifteen years, as well as giving back to my community.

True story. Several years ago, my wife’s corporate coaching business required her to leave during the wee hours of one day each month. I was left to wake, dress, feed and otherwise prepare my children, then toddlers, for preschool. One morning, my wife left so early that even my one-year-old

I made a presentation at a recent DRI seminar. I was not overly thrilled with my performance, but I was satisfied with the early returns on my presentation. Later that day, I heard a presentation that was just tremendous. I remember looking around at all the attentive faces and thinking, "His jokes are funnier than mine. What can I incorporate from his presentation into my next speech?" I began taking notes of what was working especially well for him but stopped abruptly, as the answer to my own question suddenly came to me: Nothing. I can incorporate none of his presentation into mine because his voice is uniquely his.

Sure, I can always improve on the depth of my legal analysis and my communication skills—we all can. But I cannot share experiences and insight of more than 25 years as an African-American trial lawyer in the South. I don't have those experiences, so I can't speak with that voice. What, then, can I do? Moreover, what can I do that may result in new legal business for me?

The solution, of course, is the same for all of us: Be yourself. From a practice development standpoint, this means leveraging your strengths while seeking to improve your weaknesses.

It should go without saying that your chances of success in developing business will not be very high if you focus on efforts at which you do not excel. If you are afraid of public speaking, then riding the speaking circuit may not be for you. If you abhor research and writing, then don't focus your development efforts on scholarly legal articles. Don't fall into the trap of doing something just because you've seen it work for others... what works for you may not work for me, and vice versa.

What are you good at and what do you like? This seems a simple question, but a truly useful answer requires sincere self-evaluation. Take a few minutes and make a list—be brutally honest with yourself, as this list is only for you—of your strengths and your weaknesses. Once you have truthfully identified your strengths and your weaknesses, focus your development activities on efforts which leverage on your strengths. At the same time, try to improve your weaknesses. If you can turn a historical weakness into a newfound strength, you'll add another weapon to your development arsenal.

Once you have identified your strengths and weaknesses, then what? Time to go sell them.

What Do You Sell?

Oh yes, you're in sales all right. The law is a service profession, and you are a lawyer. You want more business, and clients are your consumers. This means that you're in sales, and what you sell is service. Forget products liability, intellectual property, contracts, and all that. Service: that's your business, plain and simple.

Now think of the services that *you* purchase, as a consumer, and the providers you turn to for those services: doctors, accountants, even dry cleaners. Why do you use them? Are their services the most expensive in town? Are they the cheapest? Are their services the best, or are they just the most convenient? Do you use any particular provider because you have a friend there?

The answers to these questions related to your own service purchases are instructive in understanding why a given client—indeed, any *potential* client—might choose you for your legal services. Are your services the best in town, or can they be better? Are you the most expensive, or could you stand to offer a sale?

More and more clients are paying more and more attention to the lawyers that they hire. In an economy such as ours today, clients simply cannot afford to pay too much or receive service that is poor. Which is yours? And do your clients know?

Work Harder

This may seem counterintuitive, but one of the best ways to get more work when your workload is light is to work harder.

Let's face it—clients do not have the same level of resources that they enjoyed even at this time last year. Do they have the same staff with the same years of industry- and company-specific knowledge to train current employees? Are they able to spend their time staying current on the emerging trends and hottest topics? Probably not. Can you help? Absolutely!

One thing that all lawyers should do is to know their clients. We must learn their business, their processes and their players. Only then can we anticipate their needs and offer the right solutions at the right times. But this knowledge cannot truly

be gained by talking on the telephone or by perusing an SEC filing. You must go to their offices, meet face-to-face, and watch them in action.

Better yet, while you are there, offer to do an on-site training for in-house attorneys and their staffs. Do this training at no cost (eek!), with an agenda tailored to the client's specific needs. Does this require a

To exit the Great Recession stronger than when it began, lawyers and firms must invest time and money on client relations.

good deal of otherwise valuable, billable time? Of course, but the whole point is that you may be reading this right now because you're low on billable time! There is potentially no greater service that you can provide to your client than to make their job easier, and at no cost. Doing so offers real value and will pay dividends for years to come.

Stay on the Ride

Speaking of dividends, my broker is fond of the old expression, "The only ones who get hurt while riding a roller coaster are the ones who try to climb off." Without addressing all the factors that influence proper decisions regarding time spent investing in the stock market, stocks are generally a long-term game. So is business development—for each effort that pays off in the form of a new matter from a new or existing client, you'll likely have a dozen fruitless efforts. Does that ratio invalidate the exercise? Quite the contrary... without the effort, you may not have even landed that new single matter. Approach business development the same way you approach the stock market: stay the course, and keep plugging away.

Likewise, when business is down, you must not panic. Adjust, certainly; react, definitely, but do not panic. As they say in my neck of the woods, "Dance with the one who brung you!" If you've spent the past

10 Sales and Marketing Tips for a Tough Economy

1. **Pitch:** Come up with at least three reasons it makes sense for your clients to shift their budgets from other products/services to yours in a down economy.
2. **Products:** Focus on products or services that are more likely to be seen as valuable to your clients in a down economy.
3. **Pricing:** Keeping prices at current levels or continuing with standard price increases could hurt sales, lowering prices too much could eliminate profits. Find a price that gives your clients the feeling you are adjusting prices to help them get through this tough time, but does not eliminate your profits.
4. **Perception/Attitude:** Make sure your sales team realizes that companies can still grow in a down economy. If your team is already holding the position that all companies suffer in a down economy, their sales will suffer. If they understand that many companies prosper in poor economic times, and believe that they can do so as well, they now have a chance to succeed. If they don't believe they personally can thrive despite the economy and/or that the company can thrive despite the economy, they have virtually no chance of success. Sharing many of the points from this article with individual employees and/or your entire team may help with setting perception and attitude.
5. **Team:** Trim order-takers and keep those who vision-sell and build strong relationships. It's time to do some spring cleaning (a little early) and let go employees with bad attitudes and a negative outlook. If employees are overly negative about the economy, their chances for success within the current economy, or the company's chances for success within the current economy, you will want to seriously consider removing them from your team.
6. **Medium:** Utilize more direct marketing and less "awareness" marketing such as TV, radio, billboards, ads in newspapers and ads in magazines. You can also cut expensive physical direct mail campaigns and do more email marketing. Further utilize email marketing by having reps call on warm leads generated through email campaigns instead of cold calling. It is more efficient and you can accomplish more with fewer reps.
7. **Targets:** Go after companies more likely to have a positive outlook. Very small companies are often the most scared and least likely to spend. Very large companies often institute blind company wide spending freezes, especially with new vendors, regardless of how logical a purchase may be. Mid-market may be your sweet spot, but it is most important that you simply think this through and try to determine which companies are most likely to still be spending within your specific target markets.
8. **Vendors:** Look for vendors that offer guarantees, pay-per-lead, or cost-per-acquisition campaigns. Measurable results and accountability from your vendors is more important than ever. Ask for and check references from potential vendors and make sure at least a couple of the references are with companies that you have at least heard of. Also, don't hesitate to ask vendors to cut you a price break in light of current economic times.
9. **Customers:** Focus on existing customers, make sure they feel you are on their side in these tough times. At the same time, make sure they realize that your company's outlook is very bright (point out rationale in #1, above, for why clients are likely to actually spend more with you during these times), so you are rock solid, stable, and will be here for the long haul. This also avoids making you appear desperate, which not only erodes confidence, but also weakens your position in price negotiations.
10. **Realize the Opportunity.** Realize, and make sure your team realizes, that chaos is opportunity and many very successful companies and individuals get their starts during tough times. Competitors may be going out of business, leaving market share up for grabs. People lose their cool during tough times, and by keeping yours you can easily rise above them and gain even more market share. Most of all, you now have points 1 through 9 above under your belt, giving you a distinct advantage over those who do not.

Good luck.

10 Sales and Marketing Tips for a Tough Economy, Forest Cassidy (ProspectDB, Inc., Dec. 10, 2008).

15 years developing expertise in defending crashworthiness claims, don't abandon your skills just because your two primary clients are Pontiac and Chrysler.

Diversify Your Portfolio

But when times are tough, you must be prudent. This means taking extra time to consider your portfolio. Are all your eggs in one basket? If so, then take a page out of every successful investor's playbook and diversify your portfolio. We are at risk if our practice areas or clients are subject to obsolescence due to changes in the law or economic conditions. We can't time the market, but we can try to stay ahead of the curve. If contemplated legislation could submarine your practice niche, or if the bulk of your work is for a single client that is particularly vulnerable to a change in the economic climate, then you must consider broadening your practice area and seek out other clients. This may seem a daunting task, fraught with time and money, but sometimes you must...

Spend Money to Make Money

Did you acquire clients by hiding your head in the sand and freezing all practice and client development costs? Of course not. While you must acknowledge the reality of the times, you cannot throw the baby out with the bathwater. It took time and money to get where you are, and chances are that you may need to acquire new skills and knowledge. Further, you may well need to spend money to make money.

OK, so I didn't make that one up, but it is true nonetheless. You must invest to succeed. Investing both time and money, if they are even different, are essential to keep the clients on your active list.

Businesses often make the mistake of cutting their marketing and ad budgets when times get tight. Those line items are seen as expendable, taking from the bottom line, rather than adding to it. In reality, a downturn in a sales cycle suggests that consumers need to be encouraged to purchase more. This applies to the economics of law as much as to business.

This is not to suggest that you should take out an ad in the paper or put up a billboard with your picture and a slogan that reads, "1-800-SUE4FREE." I am, however, suggesting that to exit the Great Recession

stronger than when it began, lawyers and firms must invest time and money on client relations. They will visit and entertain their clients. They will travel to and network at valuable seminars, making new friends while keeping the old. They will write articles, give speeches and work on charitable boards.

Doing this will be neither easy nor inexpensive, and there are not many hours or dollars to go around. But one need not be an 80's music fan to remember that in law, as in life, the rule of the day is, "What have you done for me lately?" If this recession lasts 12 to 18 more months, will your clients and referral sources remember you?

Cobble Your Way to Success

I recently heard a story on the radio about a shoe repair shop in some small town in Heartland, U.S.A. that was straining under the boom of new business. How could that be when people are cutting back on spending, conscious of all costs? The answer, it turns out, is that people are cutting back on buying *new* shoes. Instead, they are spending their money having their *old* shoes repaired and shined.

Upon hearing this story, I wondered, as a

lawyer, how can I "repair shoes" rather than sell new ones? The answers are, of course, as limitless as the imagination, bound only by the model rules of our profession. There can be no doubt that those lawyers who innovate to offer unique services or methods of providing existing services will find themselves with hours to bill.

Stuck? Try this: If your practice involves the enforcement of contracts, but your client is referring less and less business to contain costs, offer to perform a contract audit designed to avoid future litigation. Will this harm your future flow of business when economic times improve? Perhaps, but don't forget that (1) this audit protects your client's best interests, which is your ultimate goal, anyway, (2) your client will always have more litigation to refer when less conscious of budget restrictions, and (3) you will have work *now*.

Import Successful Ideas from Other Businesses

Finally, I leave you with the suggestion that you simply look around you. Identify the businesses standing tall while others around them fall. And don't limit your exploration to lawyers and other law

firms—look at all businesses in all walks of life. Often you will find solutions that apply to your present questions.

To illustrate and further encourage you to perform your own R & D on business development, consider "10 Sales and Marketing Tips for a Tough Economy" (see inset, page 16). It was written and contributed by Forest Cassidy, a partner with ProspectDB, Inc., and was not written for the legal profession.

Conclusion

Business development A to Z cannot be covered in one article, and there are no magic bullets for solving the challenges presented by today's hard market. We all must strive to leverage our strengths and find what works for our own voices. I sincerely hope, however, that you read something in this article that could help you grow your business in today's shrinking economy and that this year is a profitable one for you.

If not, or if you think this article was too basic, then I salute you—surely you are well on your way to weathering the storm of the Great Recession with even more clients than when it began. 