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"Success usually comes to those who are too busy to be looking for it."
- Henry David Thoreau

You have already proven your success in marketing by reading this article. Marketing should be a priority of each and every attorney. Never let up. Always keep your marketing alive so you always attract new clients.

Most lawyers left law school without any knowledge of marketing or even a glimmer of the need to market their services. It’s true that the practice of law is sometimes as much a business and often more than the cases and skills we learned in law school. Most of us have never owned or even worked for a small business before and therefore were never prepared to market our own business.

Many of our colleagues find reasons not to market (lack of knowledge, time or money or need). Those who don’t market can’t see the forest for the trees. It’s a basic fact you have plenty of time to market when you have no clients. The reason you market is to bring in the clients (and hence the money) – it’s an investment you make that, if planned and executed properly, will pay off.

For ease of examining this topic I shall divide marketing into three categories: Free Systems, Low Cost Approaches and Higher Cost Methods. I do not arbitrarily select expense as a way of dividing marketing for I believe it is cost more than time that prohibits effective marketing. I could easily spend an entire article on each of these categories and on their subgroups but instead my goal is to give you an overview and some suggestions so you can develop your own personal marketing plan.

**Free Systems**

- Networking – friends, family, the neighbor (use those business cards). This should be each lawyer’s basic everyday approach to marketing. Make sure you keep in touch with all those you see. Let them know about your new projects, your successes, even your tribulations. Hand your business card to each and every person you make contact with.

- Client Referral – Always ask your clients for their referral business and remember to keep their businesses in mind if you are able to reciprocate a referral. We all know the power of a happy client. But sometimes we just forget to ask for their business. Don’t assume they will send others to you.

- Lawyer Referral – Just like you, other people are looking for referrals for their own business. Whenever you meet someone, ask who would make a good referral for them. Then refer someone if you have the right candidate. The best way to demonstrate that you care about this person’s wellbeing is to help them first. Give first and without expectation and don’t keep track of quid pro quo.
- Bar Association/Organizational Referral – Get your name and address out there. Let everyone know what you do and how to find you. Become active in your local bar association and in the sections you practice. MSBA has a referral service. Join and get listed.

- Publish Articles – BLOG, newspaper, trade journal. Find a venue for your knowledge. Do it frequently and update the world on what’s new in your practice area. The goal is to be the go-to person in your area of practice. Find the proper place for your article with the right readers and make it informative and interesting. Make them come back for more. Perhaps author a column in a magazine or newspaper.

- Speaking Opportunities – Once you know your area of law well enough share the knowledge with your colleagues and the public. Be a presenter on forums, give informative CLEs, and locate opportunities to speak to the public, etc.

Low Cost Approaches

- Website Presence – Build a website that is informative, user-friendly and that stands out from the crowd. But some thought into this. Don’t use cookie-cutter pictures of Minneapolis or the scales of justice. Do something original. Update the information and keep it fresh. Hire out a web design firm unless you have the time and knowledge to do the work.

- E-mail – Make use of e-mail to send blasts to clients, family and friends. Keep your contacts updated on recent activities in your office and in the practice you are in. Harvest e-mail addresses from potential clients who visit your webpage.

- Listservs – Join various bulletin boards, message discussion boards and listservs in the different areas of law you practice. Not only is it a good way to keep up to date on the law and ask and answer questions of colleagues but it is a way to be seen and get known.

- Newsletters – Produce a newsletter and mail/e-mail it periodically. Keep it short and interesting.

- Internet Referral (general attorney or practice-specific) – There are websites designed to be found when people are searching on the Internet. Sites such as FindLaw.com and Lawyers.com are good examples of paid-for advertising on the Internet. For a monthly these websites can send people to your website or a biography on your firm.

- Birthday/Holiday Cards – A personal and rather inexpensive method of marketing is to keep a database of client birthdays and send them birthday cards. It’s a nice personal touch and lets the client know you are still thinking of them on their special day. Holidays can merit a card as well.

- Website Optimization – There are methods (largely unknown to the casual Internet user) were certain websites can be more readily found when searched on website search engines like Google. These methods require effective coding and placement of key words on each page of your website. You can also pay a nominal fee to have web searchers find your page versus someone else’s when using certain keywords. Think of it like a bidding war for clients searching for certain keywords like “personal injury” and “DUI”.

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• Send a Free Fact Kit – Develop a free fact kit to send your marketing message to prospective clients. This kit allows lawyers to put their message into prospects' hands when they first think about their problem and want to learn about solutions. When possible clients discover that you offer free information, they call your office and request the fact kit. This is a variation of offering the same fact kit through your letters, advertising, publicity, newsletters and Internet sites.

Higher Cost Methods

• Radio Advertising – When you are ready to spend the big bucks and want more exposure the radio is a good place to turn. Be prepared to study the demographics and audience of the station you choose. Be sure to develop a plan with the radio staff. Find a radio personality to voice your ad and develop a rapport with that individual. Become known and become a minor star. If possible, host a radio program and dispense your knowledge and become sought after.

• Print Advertising (yellow pages, newspapers/magazines) – The tried and true of advertising. Some find this useful; others swear it never works. Again, study the publication and make sure your service and area of law makes sense for that publication. Find a way to stick out and be seen. Be original and creative.

• Hire a Marketing Coach or Firm – If you want a professional to help you market your firm and practice, hire one. There are marketing firms and coaches who help you think out a strategy and the best methods to accomplish the goal as a package deal. The firms will even do all the work for you. Be prepared to pay for this service. If your practice is successful and you don’t have any time to market then this might make sense if you are looking to expand your practice to take on more clients.

In general, regardless of the marketing path you choose and the components you utilize, please keep in mind these general principles:

• Branding – Develop a brand name and look. Utilize this on your stationary, business cards, website, newsletters and anything else your produce and utilize in your marketing plan. Symbols are powerful and reducing your practice to a symbol may be ideal.

• Develop a Niche and Be Known as an Expert in Your Area – We can’t know everything and most clients realize this. They want their lawyer to know and be good in the area they do practice in. If your area is permanent spousal maintenance than know all the recent case law and intricacies of that area of the law. Wow your clients and colleagues with your extensive knowledge but refer all cases regarding other areas (e.g. personal injury or immigration) to other lawyers who know those areas as well as you know your own niche.

• Remain Positive and Informative – At all times maintain a positive and informative stance with new clients and in your marketing strategies. Negative advertising never pays off. Adopt an informative approach to marketing instead of viewing your task as garden-variety sales. You need not be a salesperson. You have the information people want and they will pay you for it if you are able to help them. Lawyers are in the service profession above all else.
• Think Outside the Box – Be prepared to embody a creative and novel approach in your marketing. People think lawyers are stuffy, aggressive, arrogant and nasty. Make them realize this is not the case. Take off the suit, hide the law books, smile and tell them you are a person who cares and wants to help them. Make the practice as fun and interesting for the client as possible and enjoy your work more. It will pay off in the end.

These are some tools and tips every lawyer, from the solo practitioner to the partner in a large firm, can use in their everyday practice to increase the marketing of their service. Put some or all to use and I sincerely hope the seeds you sow reap a handsome and fruitful outcome.

Notes

Brian R. Huffman is of counsel at Ballou Law Partners. He practices family law and immigration. Brian received his J.D. from Drake Law School. Prior to private practice Brian clerked for the Honorable Gary Larson, Hennepin County District Court Judge and was a court clerk in various departments in Hennepin County. Brian is an active volunteer and does pro bono work for VLN, Immigrant Law Center of Minnesota and the Minnesota Advocates for Human Rights.

QDRO’s From a Benefits Attorney’s Perspective: Tips on Navigating the Process

Scott Becker

Introduction

Qualified retirement plans such as 401(k)’s and profit sharing plans now comprise over $7 trillion of assets, making them one of the most financially valuable assets in a marital estate when settling a divorce. Yet, one of the more annoying and even tormenting chores for a family lawyer in a divorce setting is completing the division of qualified plan assets through a Qualified Domestic Relations Order, commonly called a QDRO. Often the QDRO process is seen as a confusing and burdensome trip through a maze of rules and laws that only become more confusing as the journey runs its course.

QDRO’s, as defined in Section 414(p) of the Internal Revenue Code (IRC) and Section 206(d)(3) of the Employee Retirement Income Security Act (ERISA), are required when participants assign part