Blogging and Social Media

Cordell Parvin

CHAPTER 1

Why Blog and Use Social Media?

Law blogs influence in-house counsel when they make the decision on which law firm to hire

I am often asked why lawyers should be blogging and using social media. Many lawyers do not realize that law blogs influence in-house counsel decisions on which law firm to hire.

Many older lawyers and many law firms are not blogging or using social media for that same reason. They perceive in-house lawyers are not reading blog posts and not engaged in other social media. The 2012 In-House Counsel New Media Engagement Survey conducted by Greentarget, a strategic communications firm, InsideCounsel, a magazine serving general counsel, and the Zeughauser Group, legal industry consultants, shows they are.

> **Blogs, Executed Well, Influence Hiring of Outside Counsel:** Seventy-six percent of respondents say they attribute some level of importance to a lawyer's blog when deciding which firms to retain. Additionally, the percentage of respondents who say a law firm's blog can influence hiring decisions went up slightly, from 50 percent in 2010 to 55 percent in 2012.
>
> **Client-Side Counsel Prefer Firm-Branded Blogs:** Survey respondents indicated they read blogs written by firms slightly more often than they read blogs penned by journalists. In-house counsel also perceive blogs as credible (84%).

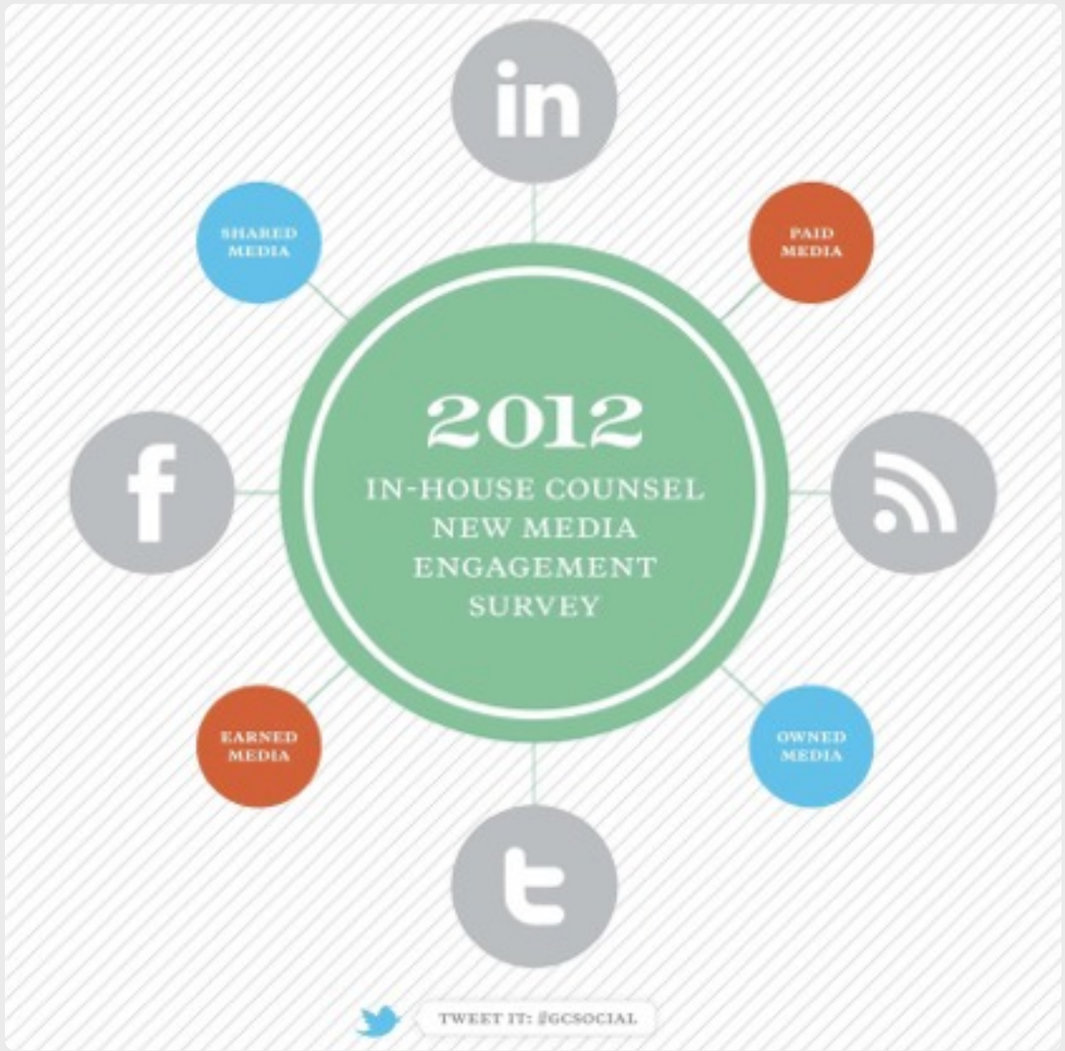


IMAGE 1.1 2012 In-House Counsel New Media Engagement Survey

What does this mean to you? If you are not blogging, you should at least consider it. If you are blogging, focus on setting yourself apart by the quality of your post. There are more lawyer blogs every day. Think about why in-house counsel should read yours.

Create Opportunity and Blog

During my career I had the chance to work on many very complex and difficult bridge construction projects, including a design-build bridge project in Maine and a bridge that sunk while under construction in Washington state. I had the opportunity to work on many complex tunnel projects including the Monitor-Merrimac Memorial Bridge-Tunnel (I-664) in Virginia, Metro Tunneling in Washington, DC, and a copper mine tunnel in Libby, Montana.

How did I get the opportunity to work on those complex construction projects and why should it matter to you? I think most lawyers would think my opportunities and their opportunities come from being a great lawyer. Clearly you must be thought of as a great, or at least good lawyer, to get hired by clients on complex matters. But, there are plenty of outstanding lawyers in your field and mine so it takes more.

I was able to help clients on bridge projects and tunnel projects like the ones mentioned above, because I was insatiable learning how bridges were designed and constructed and how tunnels were bored or placed in water. In the 80s I worked on a big contract claim involving the Robert E. Lee Bridge in Richmond, VA. I started reading books on bridge design and construction, and American Society of Civil Engineering (ASCE) articles. I did a Freedom of Information Act request of the Federal Highway Administration on all cable stayed and segmental bridges constructed that had either time or cost overruns. After I gained greater knowledge, I wrote about bridges and

tunnels in a way that demonstrated I knew my stuff. I was not a better lawyer than the many others who could have been hired, but I saw there would be bridge construction contract disputes before other lawyers, and frankly I worked very hard to learn about design and construction.

You can create your own marketing opportunities by out hustling the competition. You read what they are not reading and see the problems your clients will encounter. Many if not most lawyers with whom you compete think they are too busy to spend the time it takes to be more valuable to clients. So, if you are willing to make the effort they are not making, you don't have to sell yourself, clients will find you.

After you have created the opportunity, the second step is for your potential clients to know what you know. In a podcast interview with Lizzette Zubey, a lawyer I coached who is now in-house, I asked what she knows now that she wished she had known when she was in private practice. Her answer was something I have heard many times before:

> I've found that we are looking for counsel that knows our industry, our business and is an expert in the niche area we need help in. Cost is an afterthought.

Blogging is simply the easiest, most efficient and most effective way for you to demonstrate to your target market that you know their industry, their business and that you are an expert in the niche area they need help in.

I urge you to listen to Lizzette for a second reason. She got a lot out of the coaching program because she put so much into it. Listen to her describe how she strived to learn and get outside her comfort zone.

Top 10 Reasons You Should NOT Be Blogging

Each month more lawyers are blogging. In June 2009, social media expert, Kevin O'Keefe posted: "State of the AmLaw 200 Blogosphere, June 2009." The list of the firms and the number of Blogs was impressive. As of June 2009 41% of the AmLaw 200 firms were blogging.

Several Bloggers included in Kevin's list are lawyers I am or have coached. I encourage lawyers I coach to blog so they can learn about what is important to their clients and raise their visibility and credibility. Seth Godin talked about why you should be blogging at the 2008 Inc.5000 conference of OPEN Forum's *Inside the Entrepreneurial Mind series*. In this short video clip of Seth Godin and Tom Peters, Seth Godin says that "What matters is the humility that comes from writing it. What matters is the meta-cognition of thinking about what you're going to say."

Yet, blogging is not for every lawyer. I believe there are reasons a lawyer should not be blogging. Here is my Top 10:

1. Your firm is in the dark ages and does not approve of blogging.
2. Your practice is not focused.
3. You do not want to build relationships and do not need to raise your visibility and credibility within your target market.
4. You can't think of anyone who would be interested in what you have to say.
5. You do not want to take the time to listen before writing and keep up with what is going on in your clients' world, so you will have something relevant to say.
6. You hate technology and do not want to learn.
7. You are incapable of writing concisely.
8. You cannot identify what you want the readers to take away from your blog.
9. Your competitors are already providing outstanding content and you can't do any better.
10. You cannot make the commitment to post at least once, and better twice, a week.

12 Reasons You Should Be Blogging

1. You will become more visible to your target market. A firm for whom I am working was not on the first ten pages of a Google search for a niche they specialized in until they started blogging. Now the firm's blog is the second listing on the first page.
2. You will be able to listen and engage your target market: You will listen for topics and listen for what your clients want to read.
3. You will create more "weak tie" contacts. You will have a wider variety of readers than those you send email blast alerts to.
4. You will be forced to keep up with what is going on that impacts your clients: You have to keep up to find topics.
5. You can get material to your clients the moment they want it. When I wrote a monthly magazine column it would take two months from an event happening until my column on it was published.
6. You will learn to be a better writer. It is humbling if no one is reading what you are writing.
7. You will learn to be more concise. If you don't, no one will read what you are writing.
8. You will learn from comments you receive.

9. You provide a tool someone referring business to you can give to a potential client.

10. Your readers will get to know you on a personal level.

11. It is inexpensive to blog.

12. You can link to your blog posts on social media sites.

In October 2010 LexBlog reported that Fox Rothschild had launched its 26th blog. That prompted the 3 Geeks and a Law Blog to write Fox Rothschild's Bloggers at Law-Just Launched Their 26th Blog. I am proud to say I work with most of the 26 blog writers. I believe each would say they have experienced most, if not all, the 12 reasons you should be blogging.

Visibility and Credibility

Helen Oscislawski is a health care lawyer I coached from New Jersey. She has a great Blog focusing on privacy in the health care industry. She shared with me how blogging has increased her visibility and credibility in the health care industry. Here is what she said:

> One thing I have learned is to share some of my knowledge with the health care sector – for free. Before our firm's coaching program, I was very reluctant to spend any time writing articles or "giving away" information without billing for it. My rational was that spending time on such efforts would only hurt my bottom-line-billable-hour and, therefore, was a waste. The rainmaking program has encouraged me to think differently about the benefits of building my profile and network of contacts through writing and sharing information with the "public."

One of the steps I took to begin sharing some of my knowledge was to begin a legal Blog, which has allowed me to post information regarding developments, my views, and tips regarding legal issues in connection with the exchange of health information. The Blog has resulted in many tangible benefits. First off, my current contacts, clients and colleagues have given me very positive feedback about the Blog, The Blog has also generated a lot of buzz on the web. As a result of the high volume of hits to my Blog, I receive several inquiries a week by phone or e-mail from random potential clients and other individuals working in the health care sector. Just the other day, I received a call from a consultant who ran across my Blog and called me to see if we could get together for lunch to discuss the possibility of our working together to assist health care clients in the state with their compliance efforts.

> These are just a few examples of the invaluable networking opportunities made possible by my taking just a few hours each month to put some of the information I know out there.

Helen has been able to demonstrate her knowledge and expertise through her Blog. In addition she has discovered other ways to add value to her healthcare clients including: HIPAA

assessment tools, checklists, policies and procedures, and other compliance documents. Helen is also recognized for creating the New Jersey "State Public Sector Law Review of HIPAA Privacy" and its related "Privacy Crosswalk," which is utilized by providers across the state.

How Social Media Benefits Clients

I have to confess. If I had my way I would like to go back to the Leave it to Beaver days. I liked it when the World Series was played the first week in October and I didn't have a computer on my desk and a cell phone and PDA on my hip. Life was more simple then.

When I began practicing law clients were pretty much in the dark about lawyers and law firms. I suppose the sophisticated clients who had access to Martindale Hubbell books could do limited research and at least determine the peer ratings of lawyers and law firms they were considering. Even then, how would a client distinguish one A-V rated lawyer from another?

I always thought that when clients were left to guess which lawyer or firm would be best for them, business clients at least would tend to select larger firms, or firms from certain cities, assuming they must be better. In the 90s law firms began to create websites. At the beginning, lawyers merely copied the bio they had provided Martindale Hubbell and placed a photo on their website bio. At the beginning, clients were not any better informed than they had been before law firms created websites. Later, websites were upgraded and there came a time when lawyers could actually add links to articles they had written or presentations they had given. At that point law firms began sending email client alerts using the software that permits several hundred to go out at once. So, business clients were inundated with unwanted alerts from many law firms.

Lawyers and law firms have seen the value of blogging, webinars, podcasts and using social media tools for client development. Here are some of the ways clients benefit from this advancement. Business clients can:

1. More effectively and more efficiently do research on the lawyer or law firm they are considering.
2. More effectively determine what the lawyer knows about the client's industry and their business.
3. More effectively determine the lawyer's background and experience in the specific legal area of interest.
4. Get a sense of the lawyer's personality and better determine whether the client will have rapport with the lawyer.
5. More readily and easily compare lawyers and law firms.
6. Make determinations on whether a smaller firm or a younger lawyer can handle a matter as well as a larger firm or more senior lawyer.

7. Choose what to read or review rather than receiving unwanted emails from law firms.

8. Learn from the content provided by the lawyer how to avoid certain problems or what opportunities may be out there.

9. Receive a legal slant on a business topic of interest.

10. Engage in a discussion by providing a comment on a blog or social media page.

11. Determine what others are saying about the lawyer or law firm.

12. Most importantly, make a more informed decision when hiring a lawyer or law firm.

Blogging and Podcasts: Great Way to "Practice" Law

Have you ever wondered why we say we "practice law?" I wonder because I see less and less "practicing" and I think that is scary, especially because in study after study, experts conclude that it takes hours and hours of practice to become a world class expert in your field. As lawyers, we need to be able to anticipate issues and present solutions coherently.

On my Blog page there is a Blogroll of lawyers I have coached. Are you blogging? Are you creating podcasts for clients and potential clients? If not, you should be.

"Why," you ask? Scott Ginsberg wrote that blogging is the single most effective tool at eradicating anonymity.

Put simply, blogging and creating podcasts will force you to stay on top of what is going on that will impact your clients and will enable you to go from being invisible to being both visible and credible to your target market.

To effectively blog or create a podcast the first step is to choose topics on which to write or speak that impact your clients. Once you decide on the topic, create content and present it in a way that your clients will find valuable. Each time you pick a topic and each time you post a Blog or create a podcast, you are "practicing" becoming a more valuable resource for your clients.

CHAPTER 2

How to Find Topics and Distribute

Computer, iPad, iPhone Tools and Apps for Old Toad Lawyers Like Me

I did a cross-Canada tour speaking on blogging and social media in four of McCarthy Tétrault offices. (I think I was asked to do the presentations, at least in part, because of the gray color of my hair.) I shared with the lawyers I met my thoughts on how to use the social media tools to better serve their clients. In small groups, I showed lawyers some of the apps that are available for their computers, tablets and mobile phone.

My goal in this post is to share with you the computer tablet and phone tools that will enable you to better serve your clients and build better relationships. I will share with you how I would use the tools if I was still practicing law and provide links where you can learn more:

1. Google Alerts: I would have Google Alerts for all of my clients, some of their competitors and industry information like highway construction, bridge construction, airport construction, and rail construction. I would NOT send these alerts to my email. Instead, I would send them all to Google Reader (another tool). If you want to learn more, look at How to Use Google Alerts.

2. RSS Feeds: I would subscribe to industry publications, general news publications, and blogs I enjoy. Again I would not send any subscriptions to my email. I want them all to go to Google Reader. Kevin O'Keefe wrote a great blog RSS feeds make comeback with tablets and apps. Kevin mentions some of the apps below.

3. Google Reader: I would use Google Reader to organize my feeds and alerts. I would set up folders. So, I might have folders for each client, each competitor, each industry topic. Since my other subscriptions or alerts would be for news, sports, my college-Virginia Tech, my current hometown-Dallas, travel etc., I would have folders for those topics also. Kevin has created a video: Google Reader in Plain English.

4. Zite: It is an iPad/iPhone app that creates magazines on topics of interest to you. It goes out and locates what has been written on those topics. It can also be used as a dissemination tool to send articles found by email to clients/contacts or to Twitter and other social media sites. To learn more read and watch: 3 More Reasons You Should Use Zite as Your Personal Digital Magazine.

5. Feeddler Pro-It is another iPad/iPhone app that creates a distribution tool for the materials in your Google Reader. To learn more read: Feeddler RSS Reader – My Favorite iPad RSS App Now Works on iPhone.

6. Flipboard: It is another iPad/iPhone app that creates magazine looking pages of your home pages on LinkedIn, Facebook, Twitter and various other sites. To learn more read: How to Use Flipboard for the iPad.

7. Slideshare: It is an add on to LinkedIn, but it also is a website of its own. I use it to upload pdf versions of my presentation slides. In some cases I have added video to the beginning of the presentations. I make people aware of these presentations by linking to the slides on Twitter and in LinkedIn Groups. To learn more watch:How to Use Slideshare for Business.

8. Hootsuite: I use it as a dissemination tool. I can send my blog, my presentations etc. to LinkedIn, My Facebook Coaching Page, and Twitter all at once and I can set the time when I want the materials to go. To learn how to use Hootsuite watch: How to Use HootSuite – A Quick Start Guide for Beginners.

CHAPTER 3

How to Make It Work

Demonstrate Expertise and Build Relationships Through Blogging and Social Media Tools

February 20, 2012 was the 50th anniversary of John Glenn's historic space flight on *Friendship 7*. (It is also my birthday). This year The Beach Boys are going on their 50th Anniversary Tour. On April 26, they appeared in Grand Prairie, Texas. Having watched their first stage appearance in 20 years at the Grammy Awards, I was picking up "Good Vibrations" until I discovered the price of the tickets. I feel fortunate to have The Beach Boys: Good Timin' – Live at Knebworth, England 1980 concert video on my computer.

The principles of space flight never changed, but the tools did change. Think about it. Just seven years after John Glenn's historic flight, on July 20, 1969, Neil Armstrong walked on the moon. What a great time to be an American.

The Beach Boys also made changes. As reported in Wikipedia:

> The primarily Brian-composed Pet Sounds album and "Good Vibrations" single (both released in 1966) featured a complex, intricate and multi-layered sound that was a far cry from the simple surf rock of The Beach Boys' early years.

I was admitted to practice law in Virginia in 1971. A lot has changed since then. Yet, the principles of client development have not changed. When I first started and still today, client

building your profile and about building trust based relationships with clients, potential clients and referral sources. When I do presentations teaching lawyers, I like to use this visual to depict these principles:

As you will see:

1. You have to be visible, meaning people need to know who you are.
2. You have to be credible, meaning people need to know what you do and that you do it well.
3. That leads to "weak tie" relationships.
4. Those "weak tie" relationships lead to recommendations.
5. Then you have a meeting with the potential client.
6. Your success at that point depends on building trust and rapport with the potential client, who is asking himself: Can I trust this lawyer to handle this matter? and What is it going to be like to work with this lawyer?

While the principles of client development have not changed, the tools have dramatically changed. Among other things, potential clients will review your website bio and "Google" you after receiving a recommendation. They may also "Google" the legal area to see if your name or firm comes up. The internet has also enabled lawyers to become visible and credible to a wider group of "weak tie" relationships.

I was reminded of that when I received a very kind LinkedIn recommendation from Holland and Knight partner, David Donoghue. I coached Dave on client development when he was a Jenkens and Gilchrist associate. He is now a partner and prolific blogger with Chicago IP Litigation Blog and Retail Patent Litigation Blog. I was struck by part of what Dave said about me:

> Cordell is phenomenal. Cordell has the significant benefit of having built his own practice and he combines that with a genuine love and appreciation for basically everyone he meets. So he quickly develops an interest in everyone he coaches and can offer real insight. (I am thinking Wow that is really nice, but here is what follows.) This alone would be nice, but not all that powerful if he were teaching how to do it the way he did it 40

years ago. Instead, Cordell has adapted to the new realities of legal practice and has phenomenal insights into it.

Dave makes clear that the tools for business development have changed. I find it ironic that junior lawyers know the technology, but do not have the "go to" expertise and relationships and senior lawyers who are "go to" lawyers and have the relationships do not adapt because they fear the technology. In 2011 I did a cross-country tour for a firm, teaching their experienced lawyers how to blog and use the new social media tools.

If you are an experienced senior lawyer, what are you doing to adapt to the new realities of client development?

What Experienced Lawyers Should Know About Blogging and Social Media

Social media is a distribution tool that allows you to broaden who reads your materials by "pulling" them to it. Experienced lawyers are prime candidates to use social media tools successfully. When you blog:

- You have to pick a topic your clients and potential clients care about.
- You have to write the blog post in a way they will want to read it. The headline and first sentence must capture the readers' attention.
- You should find every way possible to get what you have written in the hands of as many clients, potential clients and referral sources as will value having the materials. Do not "push" your blog to them. Instead, "pull" those interested to it.

When I practiced law, I did not have the social media tools available to me. I was fortunate to be able to write a column for a leading trade publication. In 2011, my distribution channels are vastly increased because of the internet and social media. I am not positive I would do all these things, but I would certainly consider taking valuable content I created and:

1. Make it downloadable from my website bio.
2. Link to it in a Transportation Construction Law blog post.
3. Provide a link to it on my LinkedIn page.

4. Provide a link to it on the page of any construction contractor groups on LinkedIn.

5. Provide a link on my Facebook Transportation Construction Law page I would create.

6. Email it to Contractor Association Executives and give them permission to put a link to it on their websites for their contractor members.

7. Write something short about it and provide a link for my followers on my Twitter page.

8. Contact construction magazines that are on Twitter and give them the link to it for their website or for them to tweet to their followers.

9. Have my law firm tweet with a link on the law firm Twitter Page.

10. Record a summary of what I had written for my Transportation Construction Law Podcast.

How much time do you believe I would have invested in doing the 10 things above? I suspect I would not have invested more than an hour and if I was in a large law firm I would have invested even less.

Engage Your Readers

I read with interest Adrian Dayton's blog: 2012 Blogs of the AmLaw 100. I confess that part of my interest stemmed from the fact that I coach bloggers at some of the firms mentioned in the post. Number one on the list is Fox Rothschild with 32 blogs. I am blessed to have worked with most of the Fox Rothschild bloggers. I believe the Fox Rothschild blogs are very helpful to their clients and other readers.

Jeff Polsky is a Fox Rothschild labor and employment lawyer I have coached who has created an excellent blog: California Employment Law Blog. I asked Jeff to share with you how he writes to engage his readers. Here are Jeff's ideas:

> To write a successful and engaging blog about the law, you have to unlearn many of the "rules" you've learned about writing generally. Here are four examples:
>
> 1. Show some personality
>
> You can write 100 briefs without using the pronouns "me" or "I" and that's fine. But a blog is an opportunity to connect with the reader on a more personal level. You do that by sharing your own experiences, being conversational, and (assuming you have one and it's not detestable) letting your personality show.
>
> 2. A picture is worth a 1000 words
>
> Legal writing rarely includes pictures or photos. But, blogging is a visual medium and pictures help you engage your audience. Legal writing with all text and

no images is standard. But a computer screen filled with text is boring and unappealing.

3. Take advantage of the ability to link items to your post

   In most legal writing, if you want to direct the reader to a source or a tangential issue, you can use a footnote. In a blog, you can allow the readers to click on a link that takes them anywhere in the internet (even to another entry on your blog) for more detail on a point that interests them. Readers expect that. Give it to them.

4. Keep it short and sweet

   Like this.

   So far this year, we're averaging around 4,000 unique visitors per month on our California Employment Law blog.

If you are blogging, are you following these four tips to engage your audience?

Tip to Get More Potential Clients to Read Your Blog

Are your potential clients reading your blog? If not, the reason may have something to do with how you are writing it.

It is almost funny. When I read blog posts by lawyers, I frequently think it would have been a great post if the last paragraph had been written as the first paragraph. As you will see below, when I looked at some of my writing from years ago, I was also guilty of violating this tip.

I thought of this problem when I read: 26 Tips for Writing Great Blog Posts. Look at #10: Journalistic Approach and the inverted pyramid. Among the many good suggestions, was:

> The inverted pyramid works (basic overview in first paragraph and then delve into more details in subsequent paragraphs).

I plead guilty to doing the very thing I strongly urge bloggers not to do-bury the lead. If you want to see what I mean, read my *Roads and Bridges* column titled: Owner: "Keep Me Updated".

IMAGE 3.1 *Roads & Bridges*, Owner: Keep Me Updated

As you will see I began the column talking about a Federal Highway Administration Report on analyzing time and schedule performance on highway construction projects involving contract claims. If I had used the inverted pyramid method described above, I would have opened the column with this paragraph:

> Do you regularly update your schedule during construction? I know several contractors who find this burdensome. The failure to update the schedule may defeat a contractor's otherwise valid claim for additional time and compensation, because courts routinely discount the evidentiary value of the as-built schedule created at the end of the project. The Federal Highway Administration recently issued a report detailing the importance of updating the schedule during construction.

I don't think you need to be a construction lawyer to see that providing the overview in the first paragraph would have engaged my readers more effectively.

Bloggers: Are You Just Reporting the Score or Telling the Story?

In Indianapolis on Sunday, February 5, 2012, the New York Giants proved that a team on the brink of failure can make a run and win the Super Bowl by being "all in." Earlier, in Phoenix, Kyle Stanley, just one week after blowing a three shot lead on the final hole of a PGA tournament, came from behind to win the Phoenix Waste Management Open.

I thought about the amazing comeback stories of both "All In" Giants and Kyle Stanley's meltdown and remembered a blog I read a few years ago Why Winners Win and Losers Lose. I enjoyed re-reading it.

I also wondered how some of the great American sportswriters like Grantland Rice, Red Smith, Jim Murray or Shirley Povich might have written about these two incredible comeback stories. They would have written that the Giants beat the Patriots and that Kyle Stanley won the golf tournament, but they would have peaked your attention by telling the story.

I suspect many of you have never heard of these great 20th Century writers. Grantland Rice is thought to have written the best opening of any sports column in history. It is certainly the most quoted. In his famous 1924 article The Four Horseman, he began:

> Outlined against a blue-grey October sky, the Four Horsemen rode again. In dramatic lore they are known as Famine, Pestilence, Destruction and Death. These are only aliases. Their real names are Stuhldreher, Miller, Crowley and Layden (the Notre Dame backfield).

A great sportswriter paints a picture and puts the reader into the story. If you would like to read more great sports articles, read: Ten Great Pieces of Sports Writing.

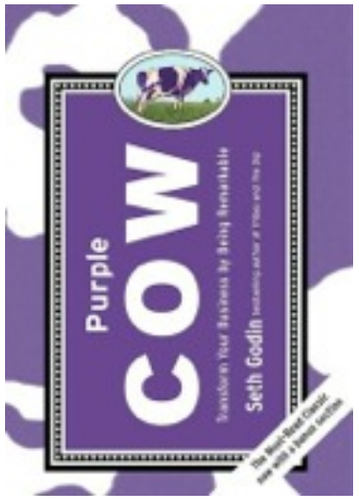
Most lawyer bloggers seem to just report on a court decision, new legislation or new regulations. While that is important, it would be analogous to Grantland Rice simply reporting that Notre Dame beat Army.

To be a successful blogger and attract readers who may become clients, you must do more. There is an interesting story to tell beyond the case decision, legislation or regulations. It is how the decision, legislation or regulations will impact your clients' industry and business. I believe the best lawyer blogs are able to capture their readers by telling the story. Are you telling that story?

Is Your Blog a Purple Cow?

If you haven't read Seth Godin's book *Purple Cow*, New Edition: Transform Your Business by Being Remarkable, you may not understand why I ask if your blog is a purple cow. Take a moment and read what Seth Godin wrote about in a

2003 *Fast Company* Magazine article: "In Praise of the Purple Cow".



To borrow a quote from the book: "Your blog is either "a purple cow" or "it is not." It is either "remarkable" or it is "invisible". I imagine that the first lawyer's blog was remarkable. After all it was the first and it was in unchartered territory. Now there are hundreds of blogs by lawyers. It is far more challenging to have a blog that is remarkable.

If you are blogging, what makes your blog remarkable? What makes you and your co-bloggers different or unique? What sets your blog apart for the readers you and your firm want to discover your expertise? If you cannot answer those questions, you are blogging for the sake of blogging and your blog is likely invisible.

What's the Difference Between Writing a Blog and Writing an Article?

I see too many blogs by lawyers that read more like an article. I even saw a post that included detailed footnotes.

Articles written by lawyers tend to be:

1. At least 675 words (one two column page) and likely longer.
2. Factual.
3. Formal.
4. Include discussion of a case, legislation or a rule.
5. Only words with headings to break up the text.
6. Headline more like a brief.
7. One way communication.
8. Facts and law.
9. Rarely include bullet points and lists.

LAW The Contractor's Side

Traveling the measured

Contractors need to take the right steps to collect for lost pr

By Cordell Parvin

Courts for pro- for the mea- sured mile approach to total cost, modi- fied total cost or published industry impact estimates.

Client Development: The Two Major Questions

Posted by Cordell Parvin on August 15, 2011

Answering these two major questions will help you determine if you are visible and credible and if you are doing what you can to make yourself more visible and credible.

1. If a client, potential client, or referral source does a search for your area of law and your geographic area will they find you on the first page of Google?
2. How many places are you putting content you create?

Let me give you a personal example of my answer to the second question. After Enron and Worldcom, the Department of Justice began a more rigorous investigation into the construction industry. I began writing articles about the importance of compliance and ethics.

Hear Me Now was one of the many articles I wrote on ethics for contractors. The articles led to speaking opportunities around the country, including my Corporate Ethics What Every Contractor Should Know - Presentation at a statewide Florida Construction Conference. Speaking live at construction industry conferences led to an Associated General Contractors Webinar: Stay in Business!Protect/Defend Against False Claims, Antitrust and Other Serious Allegations.

These three links are only a handful of those that existed at the time I did the articles and presentations. But, I hope they will give you an idea of how you can repurpose your content so it can be found in many places.

I like law blogs, and I believe your potential readers will like law blogs, that are:

1. Concise.
2. Conversational.
3. Show a little of the blogger's personality.
4. Tell a story.
5. Include a visual or video clip.
6. Start with an interesting headline.
7. Written to elicit a response and comments.
8. Include opinions (not necessarily legal opinions).
9. Include bullet point and numbered lists.

Blogging Without Success? Ask Yourself These Questions

I coach many lawyers who are blogging and I read blogs posted by many other lawyers. I can usually get a sense whether the lawyer blogger is achieving any success from blogging. If you are blogging and it hasn't led to business, ask yourself these questions:

1. Who is your ideal reader? The first giveaway for me that a blog is not likely attracting business is when I can't figure out who the blogger is targeting. If I was still practicing construction law, my ideal reader would begin with the executives of the many state and national construction associations. My second ideal reader would be contractors and in-house lawyers of the large contractors who have them.

2. What do you want your ideal reader to do? Even though it occasionally happens, I think it is very unrealistic to think you will get a new client just because of your blog. If I was still practicing construction law, I would want my ideal reader to recommend me to others and include with his recommendation the link to my blog. I also would use my blog as the primary tool to get asked to speak at contractor association meetings.

3. How can you attract your ideal reader? If your ideal reader is not reading your blog, you won't achieve your goals. The first step to attract your ideal reader is to create valuable content that addresses a need.

4. How do you find valuable content? You have to be insatiable to look for and find information that impacts your potential clients. You should be reading a variety of industry publications and other business publications. I have a news page in my iGoogle reader that

has links to every small business publication I can find.

5. How do you know when you have found valuable content? Each article you read you have to look for the legal implications or even the business implications of the facts in the article. You have to see what others are missing.

After you have answered the first five, you will be ready to answer these:

6. How should you write your post? Your headline is the starting point. Each time you draft one assume that is all your potential reader will see before deciding to read any further. Do not bury the lead. The first sentence and first paragraph are essential. Once again you must answer your potential readers question: "Why should I read this?"

7. How long should your post be? I believe it should be no longer than 250-300 words. If you need to write in greater detail, link to a more detailed document.

8. What should your style be like? Your paragraphs should be short. Consider posting with a list. I know contractors all like check-lists and I believe other businesses do as well. Make your post conversational as if you were having coffee with the reader. Consider telling a story. I like to add an image to break up the text and make it easier to read.

9. What links should you include in your post? As lawyers we like to prove a point. Our clients like support for a point as well. You can find the support in the news, cases or other supporting documents.

10. What you should do to get your blog to more potential readers? When you begin blogging, send the first posts to your existing clients and referral sources. Also talk about your blog with your partners and colleagues who have clients who might be interested. If I was still practicing, I would send my blog to each construction association executive I knew personally and ask them to let their members know about the blog. Hopefully you are on LinkedIn and have linked to as many clients, referral sources and those who influence your clients. Post the link to your blog on your LinkedIn page. Post the link with a description on Twitter. Post the link to groups on LinkedIn. I read this great quote on Twitter: "If I can't comment, click a retweet button, or "Like" your blog, it's called an article."

11. Are you building trust relationships through your blog?

I really found Kevin O'Keefe's post "We rely on the people we trust in choosing a lawyer: Not search" to be right on target. I especially liked when Kevin said:

> Don't look at blogging and social media as a means to push your 'stuff' at people. That's as short-sighted as thinking if you get seen in search you'll get hired by

good clients. Look at blogging and social media as a means of building trust.

Want to Become a "Go To" Lawyer?

A young associate asked me to share an example of an associate who has become a "go to" lawyer.

Travis Crabtree is a Looper Reed and McGraw lawyer I coached a few years ago. When I coached him, he was an associate, now he is a partner in his firm. When we met the first time, he shared with me that while he was doing general commercial litigation, his passion was journalism. We talked about possible niches for him.

After several months Travis decided to focus time on eMedia law. He created an eMedia Law blog and an eMedia Law Facebook Fan page. Among other things, Travis' blog has led to a regular Visibility Magazine column, a radio interview and an article "Should You Use Social Media to Hire?" in the March 2010 issue of the *Texas Bar Journal*.

Travis sent me an email sharing how he got the opportunity to write for the Texas Bar Journal and how it led to business. Here is what he told me:

> The State Bar Journal folks called to see if I could write a piece on legal issues involved in using social media to recruit and hire. They had seen, through my blog and other internet sites, that I had done a similar webinar presentation for an H.R. forum. Because I have enjoyed writing on this issue, I gladly obliged.
>
> I did not view it as great marketing opportunity because I thought writing to the business folks would be more productive than writing for other lawyers. I was wrong. I have since gotten a call from two large companies and a non-profit entity all asking for advice on social media issues. The funny part is only four people attended the original webinar and I was not overly excited about writing an article that would only be read by other lawyers. This proves you just never know when or how you will reach a potential client.

As I mentioned above, when I first met him, Travis was a commercial litigator. His home town Houston has more commercial litigators than there are cases for them to do. Travis created a niche and started blogging on timely, cutting edge issues that potential clients find important. He has raised his visibility and credibility in his niche and is on his way to becoming the "go to" lawyer in his eMedia niche.

Are Lawyer Bloggers REALLY Exhausting Their Ideas and Themselves?

A friend sent me Debra Cassens Weiss' *ABA* article: "Lawyer Warns of Blogging Burden, Even as Top Law Firms Embrace It". It was interesting. On the one hand, Debra pointed out that 96 of the nation's top 200 law firms have blogs, a 149 percent increase from August 2007. On the other hand, she mentioned that Mark Herrmann and his colleague felt they had exhausted their initial ideas and themselves after six weeks writing their Drug and Device Law Blog.

I can understand the problem. In certain areas of law changes may not be regularly occurring. I never found that problem in my niche industry based transportation construction law practice when I wrote my "Law: The Contractor's Side" monthly column for *Roads and Bridges* magazine.

I agree it is a burden to blog or write a monthly column as I did. The burden is to find topics that readers actually care about and will take time to read. I tell lawyers I coach that I spent more time coming up with a topic for my monthly column than I did writing the column.

How did I keep my columns fresh? I realized that my highway/bridge construction clients did not care about what I did as a lawyer. What they cared about was increasing their revenue, decreasing their costs, increasing certainty and decreasing risk. So I searched for those topics.

I researched all the new highway and bridge construction cases. I kept track of USDOT regulation changes. I found any changes the Federal Highway Administration was making. I attended industry meetings and listened to the contractors. I stayed in touch with construction association executives, asking what their contractor members were asking them. Finally, I regularly read industry publications like *Engineering News Record*.

When I went to the current *Engineering News Record* webpage, I found these articles that if I was still writing my column could lead to topics:

- Manslaughter Charge in Crane Case: A Wake-Up Call for Contractors?
- Dispute Flares, Accusations Fly Over Claims in Pipe Lawsuit.
- Stopgap Through Dec. 31 Sought for Highways, Transit.
- Indiana Legislature Paves Way For $1.1-Billion Link With Illinois.
- State DOTs Continue To Move Highway Funds Out.
- Massive Boulders in Rock Slide Shut Down Colorado's I-70.

If I was still writing my column or blogging, I would look deeper into each of those topics and ask myself, what would my contractor readers want to learn from this topic.

Yes, it is a burden to blog regularly. The beauty of this burden is that it forces you to stay on top of what is going on in your clients' world. If you really do it well, you will see things other lawyers miss and then be "first to market" when you blog about it.

Make Your Blog Unique to Get Potential Clients to Read It

The the *Harvard Business Review* posted a blog titled: "The Moment Social Media Became Serious Business." I was fascinated reading what Harold Adams Innis said about reduction in cost of communication in 1951, long before anyone was blogging. What he said applies to blogging today.

- Redistributing knowledge and, in doing so, shifting power.
- Making it easier for "amateurs" to compete with "professionals," because access to knowledge substitutes for mastery of complexity.
- Allowing individuals and minorities to voice ideas.
- Reducing the advantages of speed that formerly accrued because some had knowledge before others.
- Reducing the advantages of size that are based on the ability to afford high costs.

Because blogging costs so little, smaller law firms and younger lawyers have a chance to compete against bigger law firms and more senior lawyers. Borrowing a Seth Godin book title, the problem is, the more lawyers and law firms blogging, the less blogging by lawyers is a *Purple Cow*. On March 1, 2010, LexBlog in its Best of Blogs post reported there were 123 posts

(including mine) that day using the LexBlog platform. That number is growing almost every day.

So, if you are blogging, you better find a way to make your blog unique and valuable to your target market because your clients and potential clients are being inundated with indistinguishable client alerts and blogs written by lawyers. Valeria Maltoni has an e-book *Why Blogging + 25 Tips to Make It Work* that may give you some good ideas.

What can you do to make your blog unique and interesting? One way to stand out is to tell stories and use humor. Your readers will enjoy the humor and being entertained by a story.

Cleve Clinton and Jamie Ribman, two Looper, Reed & McGraw lawyers I coached in Dallas have a blog titled: Tilting the Scales. I love getting the email of a new post because it is entertaining and makes a point clients would value knowing. They use real legal issues and then make up names of characters. In January 2010, they wrote about the Ice Princess, the story of Olympic ice dancers Corrie O. Graff and Dan Saul Knight who lived together in Texas.

Brandon Mendelson shares seven ways to add humor in his blog How to Be 20% Funnier Than You Really Are. While you are at the Copyblogger website, read other valuable suggestions for successful blogging.

Finally, my bet is that before long lawyers blogging will present their blog three ways:

1. Video blog
2. Audio blog
3. Written blog

Will you be a "purple cow" and be one of the first to present your blog those ways?

Critical Mistake: Are You Blogging/Tweeting for You or Your Clients?

I read an interesting Copyblogger blog post: The Critical Mistake that Keeps Bloggers Broke. I could have easily written it for lawyers. I would have titled it: "The Critical Mistake that Keeps Blogging/Tweeting Lawyers from Connecting with Clients."

I know many law firms that have blogging lawyers. I know many lawyers who are tweeting. Several of those firms and lawyers make one big mistake. Their blogs/tweets are focused on what the lawyer bloggers/tweeters do rather than what their clients do. In that way the blogs and tweets are more about the lawyer than about the client.

The dirty secret is your clients and potential clients do not care about what you do. They only care about how you can help them solve their problems and achieve their business goals.

I wrote about this in the context of websites. Your Firm Website: Is It for You or Your Clients? Are your firm's blog posts for you or your clients? If I was the partner in charge of marketing in my old law firm and could choose the firm's blogs, they would be:

- Financial Services Law Blog
- Construction Law Blog
- Real Estate Development Law Blog
- Healthcare Law Blog
- Hospitality Law Blog
- Energy Law Blog
- Manufacturer's Law Blog
- Franchise Law Blog
- Information Technology Law Blog

Those were the main industries for our clients. I would want our litigators, corporate lawyers, environmental lawyers, IP lawyers, and labor and employment law lawyers to stay on top of what was happening in their legal field that was impacting any of our clients' industries.

What are your clients' industries? Are your blogs and tweets about what you do or about what your clients do?

Are You Writing Articles or Blogging? If so, Practice, Practice, Practice

Chris Brogan's blog post The Writing Practice is a great piece well worth reading. He discusses how he comes up with ideas and how those ideas become a blog post. Then he makes the point that you should always be practicing your writing. I agree.

I wrote a monthly column for *Roads and Bridges* magazine for close to 25 years. I know that my first columns were not as good as later columns. I began writing this blog in 2006. I

hope my more recent posts are better than the posts I had those first few months.

If you are a young lawyer, take an assignment you just finished and create an article or a blog post that potential clients would find valuable. Do it just for practice. Then do it again after the next assignment. Ask yourself how your potential clients would benefit from reading what you have written.

Blogging Secret:

You Have to Get Them to Read More

Are you blogging? If so, how much attention are you paying to your headline? Are you burying your main point? Your headline and first paragraph are the most important writing you do because they determine if your readers continue reading.

Suppose your potential clients are receiving your blog as an RSS Feed. All they will see is your headline. When they look at it, they will ask: "What's in it for me to read on?" Suppose your potential client clicks on the link to your blog and reads your first paragraph. They will ask again: "What is in it for me to read further?"

So what does this mean? You have to write a compelling headline and first paragraph to persuade your clients to read further.

When I wrote my monthly column for *Roads and Bridges* magazine, I sometimes got upset with the editors for editing my headline. In many instances the editor thought plays on words or being cute would capture the readers' attention. Maybe it did and if so, I am grateful.

Instead of letting you look at a few blog posts and decide whether the lawyer writer has caused readers to read further, I thought I would take a couple of headlines and first paragraphs of my *Roads and Bridges* columns and let you decide.

The first is a column the editor titled: "Bridge Project Marred in Contract Misrepresentations". While I think the headline could have been better, I do believe bridge builders would want to read on. I think my first paragraph was pretty effective. Here is what I said:

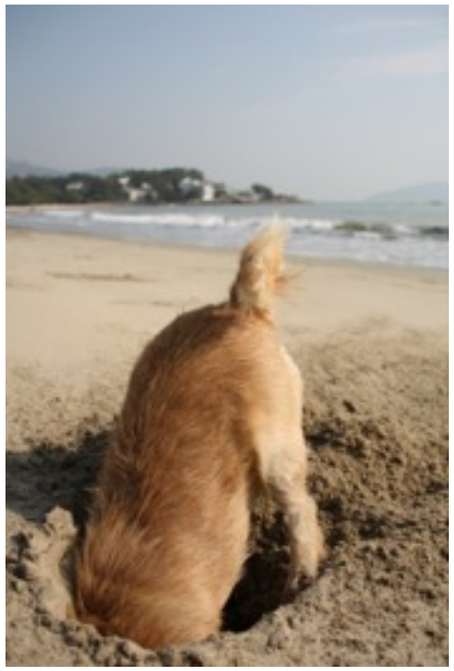
> "Do you clearly understand the contract requirements that affect the work prior to bid? Sometimes knowing what your obligations are should cause you not to bid. Unfortunately, some contractors just have to bid anyway. That was what happened in D.C. McClain, Inc. v. Arlington County, 452 S.E.2d 659 (Va. 1995)."

What made that first paragraph effective? I believe more than anything else, it was my use of the word "you" and asking a question for the reader to answer.

Now let's look at one that I did not do as well. In this column, the editor chose "Over Done" as the title. While that is cute, it

is not compelling. In the column I discussed a really important case for contractors, but here is how I began the column.

> "Long ago, there was no requirement to have a differing site condition or significant change in the character of the work clause in the state standard specifications. As some contractors know, Congress left a loophole under which states could "opt out" of having the clauses, and some states have done so."



While everything I said was true, contractor readers do not want a history lesson. They want to know how the new case impacts them and what they need to do. I did not get to those points until later in the column. So, I buried the lead, to use a journalism phrase.

How effective are your headlines? Will your potential clients want to read further? Are you burying your lead by giving history lessons? If so, your potential clients may never get to your main point.

Top 10 Blogging Mistakes You May Be Making

Are you blogging for business? Plenty of lawyers are doing it. But, how many are doing it well? Here are the top 10 mistakes I see:

1. Failure to identify the targeted reader. It is pretty basic. You need a plan which identifies the type of client/referral source you want to read your blog.

2. Picking topics no one cares about. Potential clients only care about their problems, opportunities and changes. They want to read about solutions to those.

3. Not posting regularly or frequently. If you do not have time to post at least once a week, you should not be blogging.

4. Picking a poor title. Some of the titles I see remind me of headings from legal briefs. Your potential clients and referral sources will decide whether to read your blog based on the title.

5. Writing posts that are too long. Your potential clients and referral sources do not care about the history of Swiss watch making. They simply want to know the time.

6. Writing long paragraphs. You may not realize it, but your readers will look at your blog post visually. If the paragraphs are long, they will be less likely to read it.

7. Writing about you and your law firm. Your potential clients and referral sources do not care about you or your law firm. They care about themselves and their business.

8. Writing that attracts the wrong potential clients. If you are a management side employment lawyer, your blog should be aimed at businesses so you do not receive lots of calls from disgruntled employees.

9. Writing for lawyers and not for potential clients and referral sources. Unless your target audience is lawyers, use words that businessmen use.

10. Talking down to your readers. Potential clients and referral sources like lawyers who are confident. They hate lawyers that are arrogant.

If you are blogging, you should be reading Copyblogger. It is the top blog for learning blogging skills. I wrote a regular monthly column for *Roads and Bridges* Magazine for 24 years. I can assure you that my writing improved over time. Your blogging will improve over time also.