

Practical Success

Cordell M. Parvin

Practical Thoughts on the New Era of Client Development

I have practiced law for over 35 years. During that time, I have seen four eras of marketing and client development.

When I first started practicing law, there were far fewer lawyers and law firms were significantly smaller. Businesses typically hired local lawyers and business contacts were local. Out-of-town businesses frequently determined which lawyers to consider by referring to the Martindale-Hubbell listings. Most lawyers did not do any marketing. They got business by “doing good work” and hoping it would be noticed. It was also important in that era to have an AV Martindale-Hubbell rating.

I refer to the second era as the “unsolicited contact” era. Lawyers and law firms in this era solicited business by creating brochures and sending out newsletters. Since most of the factual information in the brochures was similar, law firms tried to distinguish themselves by the slickness of the brochures.



Lawyers in this era also dropped in on clients and potential clients. In this era, two of my largest contractor clients were headquartered in Omaha and Boise. I remember the in-house counsel of both companies telling me that lawyers would tell them they were passing through Omaha or passing through Boise and wanted to stop by to see them. The in-house counsel of both companies laughed since neither Omaha nor Boise was a place to change planes going to another destination. I guess the lawyers thought it would be too crass to simply tell the truth.

I refer to the third era as the “web-page and branding” era. In that era, after long questioning why any law firm would want one, law firms created webpages, which mostly told clients how good the law firm was and rarely provided a client with anything of value.

Branding was also interesting. You could and still can see it on the firm websites, the firm advertisements or on the wall at airports. At my old law

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firm the webpage had in big letters: “the JENKENS experience” and then in smaller letters: “the experience you deserve.”

I frequently asked our marketing department what “the JENKENS experience” was, because I wanted to make sure my clients knew when they were getting it. In 2002, the Law Marketing Portal published 100 law firm tag lines. To be candid most of the tag lines are difficult to understand and likely not believable.

Seth Godin is a marketing guru for businesses and a well-known writer and speaker. He spoke last year at a law firm retreat, where I had coached many lawyers.

In a blog he posted a few years ago, Seth Godin, pointed out what I believe to be the shortcomings of law firm websites and branding tag lines:

- People don’t believe what you tell them;
- They rarely believe what you show them;
- They often believe what their friends tell them; and
- They always believe what they tell themselves.

Seth Godin, Seth Godin’s Blog, 07-29-06

Godin talks about three kinds of people. I will put it in the context of clients:

1. Clients who don’t need the services you or your firm offer;
2. Clients who need the services you or your firm offer, but are using another lawyer or firm;
3. Clients who are ignoring you.

Godin says you can’t market directly to the second and third groups. “Instead, have them come to you.” How do you suppose you can get them to come to you? Godin suggests you have to create something “remarkable.”

I have been fortunate to have created remarkable things in my career that have resulted in people recommending me and clients coming to me. Let me give you a personal example:

In January 1983, President Reagan signed into law the Surface Transportation Assistance Act of 1982, which doubled the federal funding for highway construction. The Act included a provision requiring that not less than 10 percent of the funds must be expended with Disadvantaged (Minority) Business Enterprises. Overnight that quadrupled the amount that had previously been spent with those firms. It created a huge problem because there weren’t enough qualified and adequately capitalized firms to do the new volume of work.

I knew this would be a big issue, so I studied everything I could on the issue, put together a notebook and ultimately wrote a guide for contractors. I was then asked to speak at contractor meetings across the country. I was on a panel with a lawyer from the Federal Highway Administration who recognized I knew this program backwards and forwards.

About a year later he received a call from the general counsel of the largest highway contractor in the United States asking who he would recommend to help them with a problem in Atlanta. He told them they had to hire me because I knew more about the law on minority contracting than any other lawyer. They hired me and for the next 20+ years and became my largest client.

That is what client development is all about. Incidentally, in 2015, the Disadvantaged Business Enterprise program remains a huge legal issue.

You can create something “remarkable” that will get clients coming to you as well. Many years ago, Jennifer, a lawyer I coached, did just that. She created the “Easy Guide” which was a compilation of labor and employment laws on laminated cards, which an HR person could attach to his or her monitor. Jennifer had the clients in the second and

third categories coming to her and asking for a copy of the “Easy Guide.” Later she made it downloadable from the firm’s website.

I can give readers many other examples of lawyers I have coached who have created something remarkable. Instead of that, let me share with you how you can do it. Put simply:

- Identify a potential problem or opportunity your clients have before your competitors, and maybe even before the client;
- Create a solution, like a guide or checklist or training;
- Give it away. Yes you read that right—I did say, “Give it away.”

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