

Developing a Niche Portable Practice



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**CORDELL
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ABOUT CORDELL PARVIN

Cordell Parvin practiced law for 37 years and developed a highly successful national construction law practice. During his career, Cordell has been a rainmaker and taught, mentored and coached young lawyers on their careers, work-life balance and rainmaking. Cordell was also a Practice Group Leader and worked with other Practice Groups helping them to develop their business plans and strategy.

At Jenkins & Gilchrist, PC, Cordell initiated and directed the firm's Attorney Development Program. He created a comprehensive program for associate development focused on skill development, mentoring, shadowing and career planning. Cordell motivated the leadership of his firm to get behind the associate development program and to focus attention on the importance of career planning.

He has a passion for teaching and coaching young lawyers. He recognizes that each lawyer has unique skills, talents and dreams. He works with lawyers as individuals and seeks to inspire and energize them based on their individual career and life dreams.

If You Are Marketing to Everyone, You Are Marketing to No One

I recently ran into a lawyer I coached a few years ago. When her coaching program began, I reviewed her answers to my coaching questions. I could tell that she had not given much thought to what she wanted to accomplish and where she wanted to focus. Like many lawyers I have known, she basically said “I do not want to narrow my focus because I might miss an opportunity.” In our first meeting I told her that her approach had not worked for me and I seriously doubted it would work for her.

When she picked her chin up off the floor, I explained. Early in my career in the 1970s, I thought the same way. I was a commercial litigator in Roanoke, Virginia and I did not be “pigeonholed” into a narrow practice. So I worked on everything from criminal cases to government contract cases. I even tried and won a patent infringement case. Then, I successfully defended a white collar criminal case. I marketed to anyone who might potentially need to hire a litigator.

While I enjoyed trying the cases, this approach didn’t work for me, and may not work well for you. I realized that trying to reach and connect with potential clients in a wide variety of industries and to build relationships with so many people is time-consuming, expensive and challenging. I also realized that business clients want their lawyers to understand their business as much as the law impacting their business.

When I tried to market my services to everyone I ended up marketing to no one. What would I write about? What organizations would I be given an opportunity to speak? Less important to many, but very important to me, I ended up working within a lot of industries (mobile homes, coal mining) I just wasn’t passionate about. I wasn’t having very much fun and I wasn’t developing my own business.

As you know, I changed my focus and narrowed my target market to construction and later even more narrow to highway and transportation contractors. It was by far the most important decision I made in my career. It took some time to get traction. But, almost immediately my efforts were more effective and were certainly more efficient.

If you focus your client development efforts on an industry or a niche practice you are really passionate about, you will likely share my experience. You will see the same people at your industry’s annual meetings. You will be asked to speak at those meetings. You might be able to write columns for industry magazines that these same people read.

By focusing on an industry and your specialization within it, it’s easier to establish credibility and develop relationships. Also, when you have something to talk about of genuine interest to you and your potential clients, it’s not just “work” anymore.

P.S. The lawyer I coached narrowed her focus and over time began to raise her visibility and credibility in her niche. That led to getting asked to write and speak, which in turn led to new business.

Client Development: Generalist or Specialist?

Did you see [Seth Godin's](#) blog: [Well rounded \(and the other\)](#)? If not take a look at it now.

As a lawyer, is it better to be well rounded, or sharp? I think it depends on you and your strengths. But, based on my own experience and experience coaching others, I believe it is easier and takes less time to market yourself when you have a niche. One firm did an analysis of lawyers who had participated in the coaching program and discovered that the lawyers who had or created a niche practice were far more successful two years after coaching than those who had not.

If you want to be well rounded, you must become a trusted advisor. In fact, I urge you to read the book [Trusted Advisor](#) and when you finish it read [Clients for Life](#). You also need to [Never Eat Alone](#).

If you want to be sharp, you will want to select a niche that is growing and includes clients that are willing and able to pay your hourly rates. Then you will want to raise your visibility and profile in that niche market. As you know, my niche was construction law, and even more specifically transportation construction. Many lawyers have coached are also construction lawyers. Others have chosen niche markets like:

- [Equine Law](#)
- [eMedia](#)
- [Fashion Law](#)
- [Computer Fraud and Abuse Act](#)
- [Securities Compliance and FINRA](#)
- [Physician Law](#)
- [Sports Law](#)
- [Employee Departures and Business Breakups](#)
- [Agricultural Law](#)
- [Social Media Employment Law](#)
- [Fair Housing](#)

I can go on, but you get the idea on the types of potential niche practices.

Narrow Your Client Base and Widen Your Visibility

Recently I wrote [Client Development Coaching: You will learn what will work for you](#). A lawyer I coach read the post and asked me for examples she might borrow to find her own best approach.

I am an example of a lawyer who narrowed my focus to an industry. Seth Godin blogged about narrowing focus marketing approach in [Un essaim de puces](#).

As you know, I began my client development efforts as a commercial litigator. I struggled to figure out how I could market myself. I was flailing away marketing to everyone. Unfortunately for me, there were several older and better known commercial litigators in my home town.

I changed my focus and narrowed my target market to highway and transportation construction contractors. It was by far the most important decision I made in my career. I actually widened my practice, to include contracts and every day advice. I narrowed my client base so I could be more valuable as a trusted advisor.

There are other ways you can narrow your focus. You might focus on a niche type of work. I coached [Travis Crabtree](#), a litigator with [Gray Reed & McGraw's](#) Houston office. When we started he was a commercial litigator. When we finished he was focused on e-media law. He shared how he went from his general litigation practice to his e-media law niche in this Podcast segment. [Travis Crabtree Find Niche Feb 0311.mp3](#). Travis was recently named a Rising Star in an article titled: [TRAVIS CRABTREE'S SECOND DREAM JOB](#). Creating a niche practice enabled Travis to widen his visibility.

If after reading this you conclude you still prefer a general litigation practice, I understand. Your goal should be to try as many cases as you can, teach trial advocacy and create a litigation blog to share your expertise with as many people as possible. That will widen your visibility as a litigator.

I coached [Cozen O'Connor](#) litigator [Hayes Hunt](#). When I learned of his passion teaching trial advocacy I suggested he blog about it. Hayes was the program director for the 2007 and 2009 Cozen O'Connor Trial Academy, and serves as an adjunct professor at Temple University School of Law. A few months ago Hayes started a litigation blog [From the Sidebar](#). I like the blog because it is not just about trials and litigation. His post earlier this week: [In Brief: 10 Qs to Jeff Davidson at Sun Studio, Memphis, TN](#) is about rock and roll. Hayes' blog is one of the fastest growing lawyer blogs in the United States. If you read a few posts, you will understand why.

So, if you are marketing to everyone and not finding any success, you can narrow your focus to a smaller group, find a niche practice, or continue marketing to a wider audience. Whatever approach, use the tools, like blogging to widen your visibility. These are examples demonstrating there is more than one way to make rain. If you are interested in more examples, let me know.

Niche Marketing: You Have to Select the Right Niche Market

Last week I posted: [Client Development: Generalist or Specialist?](#) I suggested that it takes more time, energy and effort to develop business as a generalist.

Suppose I have convinced you to focus on a niche market, how do you select the right niche? Have you read [Delivering Happiness: A Path to Profits, Passion, and Purpose](#) by [Zappos.com](#) CEO [Tony Hsieh](#)? In the book Hsieh's describes how learning to be a successful poker player helped him be successful in business. He says that selecting the right table is a key to success. It is best to sit at a table with nine mediocre players who are tired and have lots of chips. In business it is important to decide what business to be in.

Selecting the niche practice that is right for you is like selecting the right poker table. You do not want to select a niche where someone is already the dominant lawyer in your area. When I was focusing on government contracts and construction law, I was asked to speak at an ABA Annual meeting. On a conference call the moderator asked what I would speak on. I replied highway construction contract law. He said no one (at the ABA Annual Meeting) cared about that topic. At that moment I knew I had selected the right niche.

How to Determine the Right Niche for You

My posts this week have focused on ideas you can implement to achieve your own definition of success. On Monday I posted: [Are You “All In?”](#) Several lawyers I coach contacted me and said their theme for 2012 is to be “all in.” Yesterday I posted: [You Gotta Have This to Succeed.](#) “This” is the burning desire to achieve something definite. Today, I want to share thoughts on how to decide on the “something definite” in the context of an area of law practice.

If you are not certain about the area of law you want to focus on, begin by thinking about the intersection of your passion, your talent and a potential client needs. The area of law you choose should be one that is not already crowded with lawyers competing for the same work. You need passion to be “all in.” Obviously you need to be talented in the area to attract clients. And, you want to work in an area of law that is growing. Finally, you do not want to be the 100th lawyer in your city focused on the same area of law.

To figure out potential client needs I suggest reviewing the [2012 Legal Industry Predictions: Bob Denney’s Annual Trend Report](#). In that report, some of the “red hot” areas include:

1. Banking
2. Healthcare
3. Energy
4. Intellectual Property

If you read the report, you will find the list of “hot” areas and “getting hot” areas. As many of you know, in 1978 I went through this same thought process. At the time I was one of many, many “commercial litigators” in Roanoke, Virginia. I decided that the intersection of my passion, talent and client needs was highway construction law. At the time very few construction lawyers had an interest in this narrow area. So, it turned out to be perfect for me.

I have coached lawyers who have a burning desire to become an outstanding:

- Equine lawyer
- Agricultural lawyer
- Healthcare lawyer
- Fashion lawyer
- Computer fraud lawyer
- Green construction industry lawyer
- Covenants not to compete and trade secrets lawyer
- Wine lawyer
- Sports lawyer
- Women owned businesses lawyer

I could go on, but you get the idea. Find that specific area of you that is the intersection of your passion, talent and client needs. If you have found an area and it is unique, please share it with me.

Finding the Passion for Your Niche Practice

[Craig Martin](#) is a [Lamson Dugan and Murray](#) lawyer I coach from Omaha. I particularly enjoy working with Craig because he is so interested in learning. I believe he has listened to all my podcasts, including ones in the archive. If you want to listen you can go to [this website](#) and listen or download from iTunes there. Here is what Craig recently told me:

I had a few hours of windshield time recently and downloaded a number of your podcasts for the drive. I particularly enjoyed the podcasts in which you interviewed past and current clients about the growth of their practice. Their passion consistently shone through and in turn made the podcasts memorable.

I particularly enjoyed the discussion about how the participants discovered their practice niche. I purposefully used the term discovered, but for each person the experience seemed unique. For some, they went into the law passionate about an industry and knew what they wanted to do. For others, they knew what they loved, but didn't know how to practice in that area. It was fun to hear the "ah ha" moment when they discovered how to pursue a practice area about which they were passionate.

I have been asked why I chose to focus on transportation construction contractors. The answer is really pretty simple: I loved the people in the industry and I marveled at the magnificent projects they constructed.

Contractors who build complex construction projects have to have a "can do" attitude. Occasionally they are building a project that has never been built before. It is one thing to draw it up and another to actually design and construct it.

I am reminded of what I have read, seen and heard about the design and construction of the Brooklyn Bridge in the 1800s. For many years people wanted to build a bridge between Brooklyn and Manhattan, but the idea was always thought to be impractical. When it was completed in 1883, it was the world's longest suspension bridge. Thirty men, including the bridge designer, lost their lives during the construction. If you want to learn more take a look at this short video clip. I wanted to work for people who built projects like the Brooklyn Bridge.

Client Development Strategy: The Importance of Being the Dominant Player

Nancy and I recently traveled with three other couples. Each night at dinner, the four couples divided the bill evenly and put our credit cards on the table. In some restaurants they added the tip to the bill. In other restaurants, we asked each other how much to tip.

Having experienced the how much to tip question, I had to grin when I read [Seth Godin's](#) blog post: "[How much are you going to tip?](#)" You have to read it to see how Seth ties it to attracting clients. In essence, he points out clients want to make the most popular and safe choice because by doing so they are blameless.

I hear that all the time from lawyers I coach. They tell me it is challenging to break through to the large business clients because the in-house lawyers are making the safe choice.

As Seth Godin suggests, the key to success is to become, or at least appear to be, the dominant player in your field. I was able to do that in my narrow niche of transportation construction law. It took time, but I was able to do it by writing a monthly column in the most read trade publication and speaking at national construction industry association meetings. I think I was really lucky to be in the right place at the right time.

In the blog, Seth also gives suggestions that apply to young lawyers. He suggests:

And the best plan for the insurgent brand? To find a smaller tribe, become the presumed winner there, and scale it up across tribes.

Looking back now, I can see that I started with smaller contractors and scaled it up to some of the largest contractors in the country. At the same time, as you will learn in a future post, my client development efforts were always aimed at ultimately attracting those larger contractors. So I think there are two questions you want to ponder:

1. What is the right place at the right time for client development in 2012?
2. What is the target market smaller tribe that you can win and fit your firm's client requirements and then scale it up?

The Power of Planning

Successful People

What are characteristics of successful people?

Energizing 2016 Plan

I have spent a lifetime studying why some people are very successful and why others are not. Interestingly, many of the people who are truly successful also have a great personal life and are very family oriented. How can this be so? Put simply they understand their priorities and use their time wisely.

I coached two women junior partners. They are both in about the same size firms. They both bill about the same number of hours. Christy, who has two children is incredibly successful and will become even more successful. Samantha is incredibly bright. She is a graduate of an Ivy League school. Yet, she feels overwhelmed and like she is burning out. What are these two people doing differently and how can you apply it to your life and career?



Before you Start Planning

Who is your target market?

What do you want your target market to hire you to do?

How can you become more visible and credible to your target market?

What organizations does your target market belong to?

Identify your target market's Problems, Opportunities and Changes?

What Creative Solutions Can You Provide to Your Target Market?

Create a Plan with Goals

Three planning tips:

1. Create your plan based on your strengths.
2. Set effective goals.
3. Hold yourself accountable.

Top Down / Bottom Up Planning

Prepare plan both top down and bottom up. By that I mean start with goals, then list actions and estimate hours. Then start with hours you plan to invest on client development and other non-billable activities and work back up to goals. This way you are able to prioritize your activities to fit the hours you plan to invest.

Motivating Performance Goals:

- Promotion
- Earn \$_____
- _____ New clients/customers
- Expand relationship with _____ clients/customers

Detailed Action Goals:

- Learn how to _____
- Read _____
- Speak at _____
- Contact _____
- Meet with _____ contacts
- Write _____ articles and get them published

Prioritization Matrix

High Return / Low Investment Do first and do often	High Return / High Investment Break down into smaller pieces
Low Return / Low Investment Do when you have time	Low Return / High Investment Say NO graciously!

What are your 60-day goals:

Write down as many actions as you can think of to achieve your goals?

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Execute Your Plan

When I was growing up, my father held me accountable. Without him, I am not sure I would have stuck with it after I failed at something. When I was a teenager, my basketball and baseball coach held me accountable. Without him, I would have never learned the discipline and commitment I needed to become successful. When I was in law school, my favorite law professor held me accountable. Without him, I am not sure I would have finished in the top 5 of my law school class. When I first began practicing law in a law firm, my first mentor held me accountable. Without him holding me accountable, I am not sure I would have become a successful and happy lawyer.

How did they hold me accountable? In each case, my father, my coach, my law school professor, the colonel for whom I worked and my law firm mentor encouraged me, but they also gave me honest feedback when I was not doing my best. I can remember that critical feedback from each person. I was accountable in large part because I never wanted to disappoint them.

A great way to stay motivated is to team up with a colleague. Share your 60-day goals with your colleague and allow them to hold you accountable.



Old Tools / New Tools

Today's technology tools give you three advantages:

1. It makes it easier to research and find what is going on in the construction industry and business.
2. You can more timely write and publish blog posts than it was to publish articles.
3. It takes a lot of the luck out of your potential construction industry clients finding what you have written or a presentation you have made.

Several years ago, I read *The Anatomy of Buzz Revisited* by Emanuel Rosen. In the book, Rosen mentions a study by Mark Granovetter, a graduate student at Harvard, on how people who had recently changed jobs found their new jobs. To his surprise, Granovetter found it was rarely from recommendations from a close friend. People more likely found their jobs based on recommendations by acquaintances. This phenomenon he called “the strength of weak ties.” Importantly, for lawyers it goes well beyond just the job market.

What should you take away from this study? Strong tie buzz will spread the word through a certain cluster, whereas weak tie buzz spreads the word from one cluster to another. In other words, people with whom you have strong ties likely run into the same people and go to the same places you go. People with whom you have weak ties see people in different groups and go to different places than you go.

You need to consider the possibility and even likelihood that weak ties will recommend you to potential clients they know. If you create content that your construction industry weak ties find helpful and insightful, those weak ties are likely to pass it on to others in the construction industry. For example, if you or your firm tweets about an article or blog post you have written and those following you on Twitter find it valuable, they will likely re-tweet it to their followers. Thus, more weak ties have the opportunity to view your article or blog post.

Social media provides a great opportunity for you to become more visible and credible to your target market and to build relationships with weak ties. Have you considered the value of creating a social media strategy? That is the starting point for using it effectively.

Studies show that business client representatives expect lawyers to understand their industry, their business and them. Writing and speaking gives your clients a glimpse of your grasp of their industry. It builds their confidence. It conveys the depth of your understanding of their challenges.

Using the new tools has made it easier to determine what problems, opportunities, internal changes or external changes your construction industry clients are encountering and how can you help them deal with it. Let me give you examples of how you might use the new tools.

If you are an experienced lawyer like me, you likely spent a lot of time doing research in a law library. You might also have kept up with changes in federal regulations by receiving the *Commerce Business Daily*. Finally, if you needed to research something related to business, you might have gone to a college library.

Let me illustrate how it worked from my own practice. On July 17, 1981, the Hyatt Regency Kansas City walkway collapse occurred killing 114 people. It was really big news across the country. I decided to write and speak about it to contractors, developers, engineers, architects and any other construction group that wanted to learn about the implications. I spent hours in a college library researching how the collapse occurred and what had gone wrong. I spent hours in a law library researching the potential liability of all the potential defendants.

Finally, I was ready to write and give presentations. Needless to say, today I could have found everything I need on the internet using my iPad.

Over the last few years, I have been asked by several firms to teach their lawyers how to write effective blog posts and how to use social media tools. (I think I am asked to teach the experienced lawyers, at least in part, because of the color of my hair.) I share with the lawyers how to write blog posts that will be read and lead to business and referrals. I also share with them how to use the social media tools to build their profile, build relationships and better serve their clients. In small groups, I show lawyers some of the apps that are available for their computers, tablets and mobile phones.

If I were still practicing law I would use the following tools:

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 law firm email. Instead, I would send them all to an email set up specifically for alerts a Reader. 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. **Feedly:** I would use Feedly to organize my feeds and alerts. I would set up folders. So, I might have folders for each client, each competitor, and 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.
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. **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](#).
6. **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. If you go to Slideshare.net and research my name, you can see the presentations I have uploaded and more importantly, the number of people who have viewed them. To learn more watch: [How to Use Slideshare for Business](#).
7. **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 and places where I want the materials to be posted. To learn how to use Hootsuite watch: [How to Use HootSuite – A Quick Start Guide for Beginners](#).

As you will see, these tools enable you to easily:

- Research;
- Organize;
- Distribute both in real time and scheduled for the future;
- Connect;
- Engage; and
- Repurpose materials your clients will value.

Twitter has been described as a mini-blog in that users can only post 140 characters. When I talk about Twitter, “experienced” lawyers ask me if, were I still practicing law, would I use Twitter, and, if so, how would I use it?

When I was first asked that question a few years ago, I wasn’t sure I would be using Twitter if I was still practicing law. None of the CEOs or General Counsels’ of my largest clients were on Twitter. Now, several years later, they are still not on Twitter. Even though my clients’ CEOs and GCs are not on Twitter, I know I actually would use Twitter and here are the ways I would use it.

1. **Establish goals.** I would begin by identifying my goals using Twitter. Essentially, my first goal would be to demonstrate I am the “go-to lawyer” for transportation construction companies. My second goal would be to demonstrate my knowledge and expertise of both construction law and the construction industry. My third goal would be to keep up with the news and connect and engage with industry professionals. With those goals in mind, I would sign up for Twitter and begin.
2. **Create a detailed profile.** After signing up for Twitter, my next step would be to create my Twitter profile. I would make sure to create a well-done profile that includes my photo, and I would use my real name.
3. **To get news.** Once I have a profile, I would want to figure out who to follow on Twitter. I would begin by following the national news outlets. The day of the Boston Marathon bombing I was on an airplane with Internet service headed for Vancouver, BC. That day I got minute-by-minute reports on Twitter. There are many news outlets to follow on Twitter. I follow Reuters, Wall Street Journal, USA Today, CNN, Fox News, New York Times. I check for news when I have the time during the day.
4. **To keep up with industry news.** Once I started to follow news outlets, I would then start following construction industry news outlets. There are many construction industry and construction associations on Twitter. I would follow the ones most relevant to my clients. When they posted something I believed would be valuable for my construction industry clients, I would send the link in an email.
5. **To keep up with my clients and my clients’ competitors.** I am still using Twitter to learn and listen to what is going on. After following construction industry news, I would start following specific contractors. Some of my former clients have Twitter

- pages and some of their competitors have Twitter pages. I would want to know what clients and competitors are saying about themselves on Twitter. I would also want to know what others on Twitter are saying about my clients and their competitors. I can do that with the search tool on Tweetdeck.
6. **To share construction industry news.** I would want to share what I learn with construction industry professionals. As described above, I would find that news on Twitter itself, but I would also find news from my Google alerts, my reader, Flipboard, and Zite.
 7. **To get blog and article ideas.** I would use Twitter as one of the tools to find blog and article topics. I also would use Flipboard and Zite to find topics.
 8. **To share my construction magazine column, blog posts, and presentations.** My *Roads and Bridges* columns are now available electronically so I can link to them on Twitter. I would likely have a transportation construction law blog that I would share on Twitter and I would share links for my presentations that I would have uploaded to Slideshare.net.
 9. **To announce presentations and webinars.** If I was speaking to a construction association or if I were giving a webinar, I would use Twitter to announce or let people know about the presentation or webinar.
 10. **To connect with people when I travel.** When I practiced law, I traveled frequently. When traveling I could let people know I would be visiting their city and would like to connect with them while there.
 11. **To connect with and teach/mentor young lawyers.** I have met many lawyers on Twitter before I ever met them in person. Some of those lawyers have been construction lawyers. I would share ideas with them and answer their questions.
 12. **To create and build new relationships.** I would use Twitter to allow people to get to know me. I would not just have business tweets. I would share appropriate things about my interests outside of construction law, and I would follow people outside of the construction industry.
 13. **To research people before I meet them.** Twitter is one tool I would use to research construction industry professionals before meeting them in person.
 14. **To send direct messages.** I was surprised at first when I started receiving direct messages from Twitter users who also had my email. It seems Twitter direct messages are somewhat like text messages. I receive and send direct messages now.
 15. **To communicate throughout the day.** I would want to spread tweets throughout the day. I have learned that more of my followers are on Twitter in the afternoon than in the morning. I do not have to actually be on Twitter during these times. I can use Tweetdeck, Hootsuite, or Buffer to time my tweets.