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# THE SHARPER LAWYER

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Business Development Strategist

## *The Lawyer's Guide to Profitable Direct Marketing Campaigns*

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## **THE LAWYER'S GUIDE TO PROFITABLE DIRECT MARKETING CAMPAIGNS**

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By Cynthia Sharp, The Sharper Lawyer

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Attorneys who wish to improve cash flow should consider adding a direct marketing component to their firm's business development plan. Direct marketing allows you to communicate your message straight to the client or potential client, and measuring return on investment (ROI) is fairly simple.

Direct marketing campaigns can take many forms. Two that have proved financially productive for many private practitioners are "immediate need campaigns" and "drip campaigns."

### **Immediate Need Campaign**

Directly targeting a message toward those with a known immediate need can have a quick and positive impact on a firm's bottom line. Practice areas that lend themselves to this type of initiative include bankruptcy and defense of traffic offenses. Lists of the names and addresses of those whose homes are in foreclosure or who have received traffic tickets are easily obtainable. With the right system in place, a number of potential "immediate need" clients can be reached.

Early in my legal career, I was a partner in a consumer bankruptcy firm built in large part by sending mass mailings to individuals involved in foreclosure proceedings. A number of factors drove our success. We had established name recognition and a strong brand in the community. Our letters were well written, with an emotional component and a classy appearance. Also, they hit the U.S. mail before the sea of solicitations that the potential client would surely receive. Finally, we had a well-trained receptionist to field the calls as well as infrastructure in place that enabled us to deliver exemplary legal services on a volume basis.

## **Drip Campaign**

Drip campaigns are designed to build or reinforce the relationship with a loyal referral source or potential client and ultimately to attract additional business. Consisting of pre-designed mailings (usually e-mail), they are sent at various pre-determined points in time, sometimes via an automated system. Ultimately, a “call to action” message is sent in which the recipient is encouraged to make an appointment for a consultation, attend a free seminar, or even request additional written information.

Although e-mail is the modern mode of communication because of its relatively low expense, I nonetheless recommend including snail mail as a component of your plan. True, the cost of printing and postage can add up, but print mail has the potential of receiving more attention. The recipient will, at the very least, glance at print mail before throwing it away (unlike deleted unopened e-mail).

In the mid-1990s I founded an estates/elder law firm and executed a strategic direct marketing drip campaign suited to the clientele I wished to attract. Year after year, the practice continued to grow, owing in large part to our disciplined approach. The following guidelines, developed over the years and utilized by my law firm clients, should prove useful to those just getting started with a drip mailing project.

Create, build, and maintain the list. Begin by organizing the contacts that you already have into a system such as Excel. Now is the optimum time to categorize each contact; this will enable you to customize your marketing campaigns. After all, a mailer designed for an accountant may not be appropriate for a potential client because the message will probably be different. As your program becomes more sophisticated, perhaps you will invite one sector of your mailing list to an event while simply providing another sector with an informational piece. Waiting until you have voluminous contacts will make the categorization project overwhelming. Start today and be persistent about keeping the contact database up to date.

Kimberly A. Rice, author of *Rainmaker Roadmap: A Step-by-Step Guide to Building a Prosperous Business*, suggests the following contact database list categories as a starting point:

- Bar Association Contact

- Client (Active)
- Client (Inactive)
- Friend/Family
- Former Colleague/Co-Worker
- Holiday Cards
- Industry Contact Legal Contact (Non-attorney)
- Non-client Referral Source
- Prospect
- Vendor

Ambitious entrepreneurs who consistently add contacts to the list will ultimately reap financial rewards. For example, after attending a networking event, add each new contact to your database after following up. When you give a presentation, ask audience members to complete an evaluation sheet that provides contact information to be added to your list.

Choose platform for distribution of mass e-mails. Those intending to send mass e-mails are advised to investigate an e-mail marketing provider such as [Constant Contact](#), [MailChimp](#), [Emma](#), or one of many other vendors. Client relationship management (CRM) platforms can take a drip campaign to a new level but may involve unnecessary complications and expense. Infusionsoft, a leading company in the field, offers a free demo on its [website](#), which explains the benefits in great detail.

### **Create a Plan**

Rather than making direct contact as the mood strikes, create a plan that is integrated into your firm's overall marketing plan. For example, if you intend to publish four articles in a given year, also work into your plan dissemination of those articles by e-blast after publication.

## **Create Compelling Communications**

All of us receive a tsunami of e-mails and delete or ignore most unless they grab our attention. This means that subject lines are the most important component of an e-mail because the content will never be read if the e-mail remains unopened. If you are interested in resources that will help you write engaging subject lines, contact me at [cindy@thesharperlady.com](mailto:cindy@thesharperlady.com).

A review of my article “[The Social Media Strategist: Social Media Content Strategy](#)” published in the July/August 2017 edition of *ABA GPSolo* magazine should stimulate ideas regarding content development.

## **Calculate Return on Investment**

“What gets measured gets managed.”—Peter Drucker

To ensure that your resources (time and money) are being appropriately allocated with respect to any marketing initiative, measure the results at specified, predetermined times.

As a preliminary matter, identify how you will know that an initiative is a success. Immediate need campaigns will almost always be judged by the revenue generated, while client engagement may be the objective of certain drip campaigns. Keeping close track of expenditures of money and time for each initiative will allow you to calculate its return on investment (ROI).

## **Study Applicable Ethics Rules**

When the U.S. Supreme Court handed down the decision *Shapiro v. Kentucky Bar Association* in 1988, attorneys engaged in direct mail marketing endeavors breathed a sigh of relief. The Court found that a Kentucky rule prohibiting direct mail advertisements “precipitated by a specific event” violated the First Amendment.

Although lawyers enjoy the right to commercial free speech, keep in mind that the speech (i.e., e-mail or snail mail) must comply with the attorney advertising rules.

Rule 7.3 of the ABA Model Rules of Professional Conduct governs conduct relating to “Solicitation of Clients.” The rule outlines requirements that must be adhered to when soliciting “professional employment by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact.” Carefully study the rules of your own state prior to launching any marketing initiative as the standards vary drastically. Be sure to review all other applicable rules, guidelines, or opinions in your jurisdiction such as Rule 7.1, setting forth guidelines regarding prohibited communications.

### **The Time Is Now**

Most practitioners could benefit from incorporating some of the above strategies into their marketing plan. If you are not willing to engage in direct marketing, think about what is holding you back. If you are willing to expand your horizons in that direction, why not start today?

### **[Cynthia Sharp](#)**

*Business development leader and veteran attorney Cynthia Sharp, Esq., works with motivated lawyers seeking to generate additional revenue for their law firms. The business development strategies and skill sets that she shares were developed and tested over a period of 30 years in practice and are constantly refined to reflect modern marketing techniques. For additional information about business development issues, check out [thesharperlady.com](http://thesharperlady.com).*