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Hi, and welcome to today's LexVid session on marketing your law practice, tips, tactics and ethical considerations. I am your host, my name is Cliff eneco. And there's only three things you really need to know about me just by way of introduction. One is, I am a lawyer. I'm a sole practitioner here in the bucolic hamlet of Fairfield, Connecticut, about an hour north of New York City. My practice is primarily an entrepreneurs practice, I work with startup companies, small businesses, tech startups, professional practices. In the last 40 years of my life, I have helped somewhere between 15 and 20,000, businesses get off the ground. And I'm very, very proud of that some companies you may have heard of, although we don't talk about that on on these programs. So that's the first thing you need to know about me. I'm an entrepreneurs lawyer, if you have to put a label on me. The second thing you have to know about me is that I have a little footnote in television history. Back in the 1990s, I was the co host of a PBS public television program called money hunt, which ran on PBS from 1993 to about 2003, about a 10 year run. And basically, this show was the first ever Shark Tank reality show for entrepreneurs. Same exact format. We had entrepreneurs come on the show and present their business plans while a panel of experts kind of tore them down. Because it was public television, we couldn't give out money, we couldn't actually make investments that also violated some securities laws back then. So the whole idea was that this person was getting an education from a panel of leading experts on how to how to run an entrepreneurial company. If you go to youtube.com and search for money on TV show you see you'll see some of the old episodes, you can see what I looked like back when I was a lot thinner and I had a full head a full head of hair. Third, and most importantly, I do have a YouTube channel. If you go to youtube.com and search for Cliff eneco my name I always use Cliff never Clifford, you'll see about 41 hour videos that I have up there on just every aspect of starting and running a small business or professional practice. Keep in mind these do not qualify for m CLE credits. Today's program does. But anything that you see of mine on YouTube is not eligible for m CLE credit. It's just for some fun and some education and maybe if you giggles I might make

you laugh a little bit. So those are the three things you need to know about me. Let's get started with our with today's program. Okay, now you if you doubted that I was a lawyer you now believe these are the disclaimers. We always sweet lawyers always tell you what we're not going to talk about. Before we tell you what we are going to talk about. The most important one is the second one there's in these programs, there's a very big difference between giving out legal information and giving out legal advice. legal information is here's what the law is generally all about. And that's what we're going to be doing today. But legal advice is more now Joe, here's what you need to do. And Mary, here's why you should do something completely different. That's advice. And I'm really not in a position to give anyone any advice on this program. So if you hear anything on this program, that sounds like a great idea. And you do it in your practice and it doesn't work out. Your practice fails, you end up filing for bankruptcy, your spouse divorces you, your kids don't want to talk to you, your dog pees on your leg and you end up living in a diaper bots into the Brooklyn Bridge. You cannot sue anybody Okay, you cannot sue me, you cannot sue LexVid you're basically so well on this. And another disclaimer though, which is not on this particular slide. The marketing techniques that I'm going to be talking about in today's program apply mostly to solo and small office practitioners like myself, if you are a in a midsize to large law firm, the techniques you use to market there are a bit different than what I'm talking about today. Some of this stuff does apply, but not all of it. Well, if you're a solo or a small office practitioner, you know, less than 10 attorneys, this is this is the program for you. So so let's get started with our introduction to the program. Okay, I said at the very beginning of this program that I have helped somewhere between 15 and 20,000, small businesses, get off the ground and get running. And the one thing that I can say about succeeding in business and if you go to any library, any bookstore to the extent we're doing that with the pandemic these days, you will see at least 100 books on how to succeed in business, how to start a small business, how to run a small business. Let me make it very simple for you. Okay, as someone who has worked with 1000s of these people, of entrepreneurs and startup folks, the key to success in any small business, and any entrepreneurial venture is marketing. It really is that simple. Especially in a service business. Marketing is the key function. You know, and when you're and when you're starting a solo practice or if you have a solo practice, you are an entrepreneur. You are a service You're in a service business and a

05:01

regulated business. There are rules of ethics you have to comply with. And we're going to talk a lot about those on this program. But the but you are an entrepreneur, you're just the same as somebody starting a tech company in their garage and eventually becoming a billionaire. Now, of course, as a lawyer, you will not you will never become a billionaire. But you are an entrepreneur. And the same rules that apply to entrepreneurs apply to you as well. And the same rules for success apply it apply to you. And the key to success in any small business is marketing. If you market Well, if you do it well, if you if you if you master the stuff I'm going to be talking about today, you stand a very good chance of doing very well indeed, do it poorly, and you will

fail it's 100% guarantee, you will fail. If you do not market, your practice. And a lot of lawyers don't like to market they have a problem with beat with with both the whole marketing function. And there's a reason for that. For many years, it was illegal for lawyers to market themselves. Then in 1976, a year before I went to law school, the Supreme Court handed down a major decision saying that legal advertising was commercial speech and protected by the First Amendment. And that opened a whole whole set of of advertising. You see it on TV all the time, you know, the people that are looking for plaintiffs for the mellows the xeoma, you know, suits and stuff like that. It has opened a some people think it's a Pandora's box, but it is perfectly legal for lawyers to market their practices. It is perfectly ethical, if it's done the right way. If it's done professionally, it is ethical, there is nothing wrong with marketing your practice. In fact, it is essential. If you do not market your practice, your practice, sooner or later will die that phone will stop ringing, the emails stopped coming in to your inbox. If you are not spending at least 20 to 25% of your total time on marketing activities. In your practice, you are not giving that essential function the the time that it deserves. You know that

06:58

it no matter how busy I get in my practice, and I am very busy right now, a lot of small businesses are struggling with the pandemic and the lawyers that represent them are getting swamped with things right now. You are, it matter how busy I get, I always find time to do programs like this one like or to get to do articles for local business journals to do the stuff we're going to be talking about. And the next couple of hours together, you do not have to be an extrovert, by the way, now I happen to be a rather extroverted individual, more so than I think than some most attorneys are. But you don't have to be like that, you know, there are ways to market as an introvert as well, and we're going to talk about that. But it's something you have to get comfortable doing. If you are not marketing your practice every single day you are, sooner or later your practice is going to fail, that pipeline of of work is going to dry up and you're not going to know what to do with yourself. So So the key lesson is you got to do it, you got to find a way to do it, do it ethically, do it professionally. Do it in a way that's comfortable for you. But do it. Okay, that is one of two messages I'm going to beat into your head. There's the next couple of hours. The second one comes a little bit later when we talk about ethics and and the role that ethics plays in the marketing process. So what are we going to talk about today, that's the end of my little introduction, there are four things that I want to cover in the next couple of hours. First is choosing the right practice mix. Now this may sound like a section you may want to skip over as well. I'm a real estate lawyer, I do real estate, I've always done real estate, you know, I don't really know, this is probably the most important section you need to listen to. The first step in marketing your practice, professionally and correctly is to pick the right areas of practice that you that you want to focus on. And that may not be the stuff that you're doing today, or the stuff that you've been doing for the last 510 years, it may be something quite different. Then we're going to talk about understanding your clients and what they are looking for. You cannot market to people effectively

unless you know them a little bit. And you know how they think and how they and what they're looking for. When they look to hire an attorney. We're going to talk about that quite a bit. The five pillars of a law practice, marketing strategy, there are five things that solo and small office practitioners should be doing. And we're going to talk about each one of those the pros and cons of each and the ethical considerations that apply to each of those five things. And then last but not least, we're going to talk about the ethical rules of lawyer advertising. Now advertising is a very key word. advertising is only a very teeny tiny part of the marketing process. Most of what lawyers are going to do to promote their practices does not constitute advertising as the rules of ethics define that term. And that's a key lesson. A lot of people say oh, there's all these rules. We can't mark it. No, the legal the rules of ethics are actually quite permissive. They allow you to do a whole heck of a lot. It's just advertising that they focus on and advertising is a much smaller subset of the universe of marketing activities. So let's get started. And let's talk about the first thing that I want to talk about today, which is choosing the right practice, mix. Okay, what types of law? Are you going to what areas of law you're going to practice in? You know, if you've been practicing in one area for 510 years, should you be continuing than that? Or should you be looking to do something else with your time? You know, what's in demand? You know, what's going to work? What's going to bring money into the door? That's really what you're concerned about here? Well, there are four basic strategies here, when you're deciding on what areas of law to practice. There are four basic strategies, we're going to talk about each one. First strategy is to stick with what you know, and don't venture outside the box. I'm a real estate lawyer, I do real estate, I always do real estate, you you don't need real estate, then I can't help you. That's strategy number one. Strategy number two is take on anything and everything that walks in the door and has a pulse. Okay, that's number two. You know, anything, you're alive, you have a pulse, you need to think, okay, whatever it is, I can do it. Okay, that's strategy number two. there's pros. there's pros and cons for each of these. Okay, don't don't prejudge, you know, that may be you know, the only strategy you can adopt when you're first starting out. Third is to build a reputation for two or three highly desirable practice areas, and let the market tell you what you should be. Let the market determine what kind of a lawyer you are, oh, you need that? Well, guess what, I'm that kind of lawyer. It's exactly what I do. You know, whatever it is, then last but not least, is to specialize. And this is one that's very close to my heart is really the one that I the strategy I have adopted in my practice, specialize in a certain type of client, don't specialize in an area of law specialize in a certain type of client, and within that become a generalist of everything that that client needs.

11:49

Okay, and we'll talk about that a bit more. Okay, so let's talk about these four strategies. First of all, let's talk for a while about staying inside the box. Okay, that's the first one, we're going to talk about this, this is the safest of the four strategies that we're going to be talking about today. The biggest advantage of staying inside the box, your malpractice insurer will love you. They will

absolutely love you Love malpractice insurers love attorneys who specialize in one area of the law and just stay that stay there. You know, we if you've ever filled out a malpractice insurance application, there's a section of the application where they say, Now what's your practice mix, and they give you 50 different areas of the law. And you have to sort of check this and put down a percentage, you know, next to each of those things. They love it when you put 100% of your time in one of those boxes, they love that if you just put 2% of your time in each of the 50 boxes, and it's adding up to 100%. They don't like that that much. Okay, it looks like you're too much all over the place. And frankly, a bigger malpractice risk. You know, the person who's done nothing but real estate for 30 years, and has never done anything but five different things. They're very unlikely to make a path to file a malpractice claim at some point. So that's the malpractice insurance absolutely love that. It's also easy to describe what you do at cocktail parties and social occasions. You know, Cliff, what do you do? I'm a real estate attorney. You know, that's that's an easier thing to do. When people when I meet someone because nobody's doing cocktail parties right now because of the pandemic, but just go with me on this. You meet somebody at a social function or whatever. So cliff, what do you do? You got an hour to talk about. That's kind of how it is with me right now, this is obviously not the strategy I've adopted, you will also keep most of your hair well into old age, you will not look like this after you've been practicing law for 40 years. Okay, but there are some disadvantages to and the biggest one is it may prevent you from growing, unless your specialty is in great demand. I mean, if you specialize in working with you know, early stage technology companies in artificial intelligence, that may be an OK specialty that's going to that's going to last you a while doing real estate closings not as much you will end up making other attorneys wealthy because you know, because you're so focused on doing one thing, anytime a client needs something else, you're going to end up referring them to other attorneys will probably end up owning the client at some point. You know, it also may leave you vulnerable to sudden market changes and economic swings that render you know certain areas obsolete when I first started practicing law and I worked on wall street for 10 years before I I went off on my own and became a solo. The big there was a big a very popular thing called the industrial revenue bond. And back then in the early 1980s, when I first came out of law school, interest rates were up around 1213 14%. And a lot of small businesses had trouble paying that kind of interest on their on their loans. So the industrial revenue bond was a way of sort of reducing the interest rate. Basically what you did was you set up a dummy municipality called an Industrial Development Authority. You know, the the Industrial Development Authority issued bonds to the lending bank at a much at a tax exempt rate of interest which was much lower than what Interest rates were and then pass the funds on to the small business. It was a great way of helping small businesses get cheap money in a world and have great and have high inflation in which interest rates were up around 1213 14%. Well, in 1986, Congress passed an entirely new tax code during the Reagan administration. And with a stroke of the pen, Congress eliminated the industrial revenue bonds said basically, it couldn't do these anymore. So overnight, 1000s of attorneys in every major city in the United States lost their means of making a living others all they were doing were these industrial development bazis Industrial revenue bonds, you know, Congress can do that Congress

can change things, just by the stroke of a pen, you never want to commit your entire practice to two or three sections of the tax code, because that could change overnight. You know, so you have to be careful about that you want to practice area that's going to survive for at least the next 2030 years. And then last but not least, when you're starting out, you may not have a box to stay into, you know, when you're first starting out, you may have to take everything that comes in the door, which as it happens is the next strategy. We talked about taking on everything that moves. Okay, first of all, it guarantees that you will have at least some business, okay. I mean, as a lawyer, it's very easy to make money. And that's why a lot of people become attorneys. I actually, when I was, you know, in college and thinking about going to law school, I remember an attorney of my of my family's acquaintance telling me, Cliff, you know, as the thing about being a lawyer is you may never get rich, but you will never starve. lawyers do not starve and take a good look at me. Obviously, I'm far from starving. You know, but that's the thing, even a medium, even a small town attorney with an office over over an ice cream parlor or something like that is probably pulling down at the low six figures every year, you do not starve, you will always have if you just you know, let the world know that you're hanging out your shingle, you probably will get somebody within 30 to 60 days who will need you to do something, okay may not be the right something but there are there out there. It may be the only practice alternative when you're just starting out and you have little experience in particular specialties you're

17:12

going to be learning as you're doing. Okay? disadvantages, obviously, you are a much greater malpractice risk. If you follow this strategy, your malpractice insurer is not going to like you as much as they do the person who stays within their little box and never moves. No one can stay on top of all developments in five or six practice areas, it's physically impossible. There are only 24 hours in the day, seven days in the week. And it there's just no way that you can stay on top, even if you do nothing, you know, five hours a day. But listen to CLE lectures and read books and treatises and stuff, there's no way you can stay on top of everything that's going on, you know, you are a much more a much bigger malpractice risk by following this path, your malpractice insurer may not cover everything that you want to do. And also by spite spreading yourself too thin meat, you may have trouble developing a reputation for expertise in a certain field, I always feel that whenever you're trying to be everything that I give this advice to my entrepreneurial clients, whenever you're trying to be everything to everybody, sooner or later, you end up being nothing to nobody. Okay? So that's the thing, you know, again, sometimes you can be so well rounded that there's no edge to you. That's a famous old saying. So it's really not a very desirable when you're first starting out, you may not have choices, but sooner or later, you want to morph into one of the three other strategies that we're talking about here. You don't want to stay in this in this category for very long, letting the market decide this is strategy number three for practice mixes, you know, let them find out who's out there and you do what they need you to do. That's basically it. There's actually a term for this in the entrepreneurial we we call this a lean startup, a

company that sets out not really knowing what it wants to do. But it finds out what the customers are looking for. And it develops the products and services to target exactly what the customers are telling them they want. Advantages you may you will want Well, you will get more work on a regular basis. because by definition, you're only doing what the client wants done. You don't have to figure out what they want. They're telling you, Cliff, we need somebody to help us with x with x project. Okay, so that's it, you do the x, there probably will be less competition for this. Because in my experience, a lot of attorneys, their their clients are looking for something over here, but they're over here, way over here somewhere, you know, they're doing something a little bit different than what their clients want them to do. By being more open to doing what clients want you to do. There's probably not going to be a lot of competition out there. It's gonna take a long time for those other attorneys to morph over into into your area of practice. So they'll probably be less competition and whenever there's less competition, you can charge more. For your services. You can charge greater than market rates. You may I can't Guaranteed this lawyers are terrible at referring business to other attorneys, they are terrible about it. One of the worst places to look for business is your local bar association. We'll talk about that when we talk about organizations and groups that you join. You know, join, by all means join your local bar association, but don't think that you'll ever get clients out of it. Because lawyers are very poor, at referring business to other clients. You know, but you might in this area, get referrals from other clients who are staying in their boxes. Well, wait a minute, you know, we do we do, you know, General contract law, but this is an eBay seller, he needs someone who's familiar with eBay rules. You know, Cliff, you're the guy that does a lot of eBay stuff. You've written a book about this, as a matter of fact, I have on legal issues of eBay sellers. You know, you're the guy that that I want the business to win, of course, what's going to end up happening is I'm going to end up owning that client eventually, because you know, I, I understand their world better than the person who referred to me. That's why attorneys do not refer. Seriously, I actually had an attorney Tell me very early on, attorneys are terrible at referring other business because either way you lose, if you refer a client to another attorney, and the attorney does a great job, well, then you've lost the client that that will become that person will become the client's new attorney, and you're out of luck. If the if the other attorney does a terrible job that reflects badly on you, because the clients gonna think well,

21:21

wait a minute, you thought this guy Cliff was so good, he was a jerk, he totally screwed up my my business my situation, that means that you're I think you're an idiot now. So either way you lose. And there's something to be said for that. Now, it's very cynical, of course. But there is a reason why attorneys don't refer business to other attorneys. And it's because of this very cynical attitude that either way, you you lose, you know, but but letting the market decide, you other advantages that you can develop a reputation for cutting edge legal work, before other lawyers do, I'm a big fan of this, when when when three or four clients tell me they need something done. And it's something that is new, something that's just that's just happening in the world of technology, or

business or whatever, I look at this as a huge opportunity. I'm thinking that this is just the tip of a very big iceberg. And if I jump onto this thing, I will end up getting a lot of this other business that other attorneys aren't even thinking about, you know, you can actually become a reputation for being a cutting edge lawyer, I actually do have the reputation of being that way. Now. But there are disadvantages, though to this. And I'm not going to be I'm not going to sugarcoat I'm not saying this is what you should do. Okay, that's, that goes back to the fact I'm not giving you advice here, I'm not telling you what to do. It can be very stressful, because you're constantly in learning mode, you're constantly learning new things. And that can be very stressful. It can be you know, you're gonna spend a lot of time on non billable hours learning how to do the things that your clients do the crazy things your clients are asking you to do. There might be some very good reasons why low certain attorneys in your area avoid certain specialties, even if they are in demand. I mean, they're very, very good reasons. So for example, there may be certain types of work that you cannot do cost effectively, as a solo practitioner, there may be certain areas of practice, where there isn't a whole lot of local business. So for example, if you are in upstate New York, and as somebody who wants an oil and gas attorney Well, I hate to say it, there's not a lot of oil and gas activity in upstate New York, there was for a while when the in the early days of fracking, but New York State put a ban on it. So it's not happening anywhere there. You know, someone's looking for a good oil and gas attorney, Texas, Oklahoma and Louisiana, Arkansas, those are the places that they're going to be looking, they're not going to be looking in New England. Anyway, becoming an oil and gas specialist in New Haven, New England is probably not going to get you a whole lot of business. If you are developing more than one specialty, there may not be synergy between them. So if you are doing patent work over here, and trusts and estates work over here, over there, those are two very different practice areas. They're there. I mean, not only are the laws totally different, but there's it also takes a certain personality to do each of these things. And they're diametrically opposite. one another. I seriously think that if you're doing two radically different specialties, specialties like that, I have some questions for your counselor, your psychologist, that you know, I mean, why, how can you divide? How can you shift from one personality type to another that that radically? I don't know, I just don't think it's possible. So if you're going to follow this strategy, letting the market decide, here are the keys look for practice areas that one are in demand, make sure that there's a demand for it. Like the old Rolling Stone song you don't want to you don't want to be spending time finding new ways to make sealing wax, a product that nobody has used for over 100 years. The reference by the way is to the Rolling Stones Song 19th nervous breakdown 1965 and for those of you who are rock friends out there, look for practice areas. That are cutting edge or otherwise haven't saturated the market. Everywhere you go, there's Real Estate Attorneys, but that's not cutting edge. You know, maybe the thing to do is to do cutting edge real estate work. You know, Airbnb type stuff, although with the pandemic, that's really cut back a lot. Find out what's going on. That's new in the real estate world and focus your practice more on that stuff. Don't do the regular real estate closings and the stuff that everybody else does focus on what the developers are focusing on right at this moment and really focus on that, look for areas of practice that can generate a decent profit margin. And

that you can easily market to without great dispatch expense, you want to get into a practice area where they where they have a client's are somewhat organized, and communicate with one another. So that when you get one or two clients in this area, they talk you up to everybody else that they know this looking for similar services, it's really hard to market if you're just doing things scattergun and just looking for clients, wherever they might be, it's better to speak to one organization with his 100 of them in a room, and you can pick up all 100 of those people in a one hour lecture. We'll talk more about that later on. Okay.

26:12

Okay, so now let's talk about the last area of practice, which is the one that I myself have chosen, which is specializing in target clients, where you, you pick a particular type of client, and within that you become a generalist, you do everything they need, from soup to nuts, okay? This allows you to be more of a generalist, I like being a generalist, I like knowing a little bit about lots of different things. I'm not the kind of person who knows, you know, one thing but knows it very well, to use the old metaphor, I think I'm a more of a fox than I am a hedgehog. A fox is an animal that knows a lot of things. But the only knows that in a superficial way. A hedgehog is somebody who knows only one thing but knows it like intimately like everything you need to know about it. I'm more of a fox, I like being more of a generalist, I find life more interesting that way. So this is a natural practice mix for me to gravitate toward. It's also it's easier to stay on top of developments in multiple, multiple practice areas. Now I said before, there's no way that you can become an expert in five to six practice areas, knowing every one of them intimately. It's very hard for an attorney to do. But when you're when you're when you're when you're when you're picking this way of choosing your clients. And that's really what we're talking about here is choosing the right clients. It's easier to do so for example, when Obamacare came out in 2009, the Affordable Care Act, you know, I had a lot of clients that were small businesses, they'll but I didn't have to read all 600 pages of the Obamacare statutes and regulations. I didn't have to master everything. So for example, in the original Obamacare, there was a whole section on gold plated insurance programs. Well, let me tell you something none of my clients are offering are offering gold plated insurance programs to their clients. So I didn't really need to know that part of Obamacare, I didn't need to know about that. Okay. What I did need to know and know very well was how to calculate the 50 full time equivalents for determining the number of employees. The original Obamacare had an employer mandate, if you had more than 50 full time employees or full time equivalents, you had to offer them health insurance. And all my clients wanted to know how you calculate the 50. The 50 people, are you above the threshold? Are you below the threshold, so that little piece of Obamacare, I had to know intimately, but the rest of it the rest of the 450 pages I didn't have to even look at, okay, that's what I'm talking about here. When new things happen, you don't have to know everything, you just have to know the things that your clients care about. That's what you need to know about. And if your client community is organized, it's easy to generate referral businesses shortly after I went off on my own 30 years ago, I started

doing some work for some software clients. These were people who were had just created software programs in their spare time and their computers at home. And they were looking to market them and they needed licensing and distribution thing just strategies put together which I did for them. At that time. It was a rather rare specialty now everybody kind of does it now. It's that that's that horses left the barn. But I early on my two weeks after I started doing this, one of these clients invited me to speak at an organization called the North East software Association. This was an organization of people who were like software hobbyists, they were developing software programs in their spare time for fun and profit. So I said, Sure, I can talk about you know, basic software law and stuff like that. It's only they only wanted me to speak for like 2025 minutes and forgive me, if all you're asking me to do is 2025 minutes I can talk about anything really. So I said yes, I think an ag will be 510 people at this meeting. I walked into a hotel ballroom and there were 100 and 20 people in this room who were all software developers, and didn't know, a good software attorney, hello, I ended up getting everybody, as clients. Within six months, I had the leading computer law practice in New England, you know, working out of my bedroom. I mean, it was

30:19

unbelievable. And it just, I didn't realize how tightly organized organized that community was. That's how that's how the, that's the stuff that falls from the sky. And you can't predict that. But it makes me you're much more likely to get to these people by focusing on their particular needs and forgetting about everything else. Now, there are some disadvantages to this, if there aren't enough target clients in your area, you may have to relocate or develop a multi jurisdictional practice. So for example, again, if you're an oil and gas attorney in New England, there's not a whole lot of that going on up here, you're better off going down to the Permian Basin, and, you know, the the South in the south of western part of the United States, because that's where it's happening. You may be vulnerable to market technology and economic swings that disproportionately affect your clients. 2030 years ago, you know, if you were representing book publishers, you had a very viable practice. Indeed, today, I don't think you're doing as well. Book, everything in book publishing is going digital right now. And the pandemic is making it worse, there are whole areas of our economy that are going to disappear. Because of the pandemic, if you are representing mall developers, shopping mall developers, or if you are working with, you know, anything that relies on large groups of people gathering in in a mass in a particular location, you are probably rethinking your practice mix right now. Because I don't know if those things are going to be coming back. After the pandemic, you know, a lot of now's a good time to be rethinking the people you are serving and asking yourself, are they going to SAR only are they going to survive the the pandemic? So here are the keys to surviving in this in this world. If you are, if you are thinking of focusing on a target client group, identify a client that is common in your area and provide a wide range of services for that client. There's always going to be exceptions. I don't do patent filings for my client. I don't do litigation of any kind. I refer that work out but just

about everything else. I do. You know, I mean, if you look at my website at Cliff eneco.com, I describe myself as a wall street lawyer for your smaller growing business. I mean, I just do about everything you know that they need. Just don't specialize in clients who don't know what they're doing, and have no money. Now, this is a huge, underserved demographic. There are a lot of people, when you start a solo practice anywhere in the United States, you are going to find out, there are a lot of people out there that don't know what they're doing, and have no money. Okay. But they are terrible clients. They are the worst clients you could possibly have. They're time vampires, they take up all your time, and they can't pay their bills, you do not want to deal with that demographic. They're easy to find they're all out there. But you will not make a living. I know I'm being a little sarcastic there. And I apologize. So here are some examples. If you're looking to do a client centric strategy, like like I do, here are some ideas focus on a particular type of business. So software, internet, early stage technology companies, if you're doing a specific industry, construction law, in most states, that's still a very viable area practice publishing, yes, but digital publishing, digital media, digital advertising, that's, you know, the publishers of the 21st century need help in that area. They're not worried so much about copyright and all that kind of stuff. What they're worried about is the digital advertising how to how to generate that how to how to deal with those kinds of contracts, underserved ethnic or religious groups. Okay, there are many segments of our community that are underserved if you speak Spanish. You know, even if you are not yourself, you do not describe yourself as Hispanic. That is a huge underserved area of your local community that that needs lawyers and you can address them. I always tell people whenever you want to double your bit your existing business as a lawyer, okay, there are three little words that you should add to your business cards, your stationery, your website, whatever your marketing tools are, and the three little words are se habla espanol, because the Hispanic community is is grossly underserved by by the legal community. And you'll be doing a great service for your community by helping them the Muslim community, Islam as the fastest growing religion in the United States. If you live in Brooklyn or queens, in New York City, you are seeing an explosion. In the in the Islamic community, people who speak Arabic, who dress accordingly who follows Sharia law are probably going to be to be doing extremely well in those in those areas.

34:55

Take advantage of who you are now. I mean, I happen to have a vowel at the end. My last name, but I was not raised in an Italian American household, many of you out there know more about Italian American culture than I do. But because of the value of the end of my name, I do have quite a large table of Italian American clients, because they see the lesson when they figure Hey, this guy's a Python, you know. So take advantage of what you have, you know, going for you. economic status is another way to differentiate or you focus your your practice more on high net worth individuals who need sophisticated tax and estate planning, are you helping doing a lot of basic wills for GIS, we're going into the service. Now, don't get me wrong, you can make a lot of money either way, but you kind of have to know who you are, in that area. Also clients who

themselves specialize in target clients. So if you're a real estate attorney, I don't mean to not Real Estate Attorneys, by the way, I just happen to use them as an example of some people who really need to think about seriously about about changing their practice mixes because of what's going on in the world today. Are you focused more on residential real estate investors, people who are flipping houses? are you dealing more with commercial real estate developers and if you're dealing with commercial real estate developers, you really got to pay attention to what's going on with the pandemic right now. Because a lot of people are deciding, you know, what, we don't need office space for 500 employees, we can these people can all work from home and look at the money we're saving. You know, by doing that we can we can, we can cancel, we can terminate all our leases, that's going to be happening in the next six to 12 months you watch. Okay, so I don't mean to spend a lot of time on this. But but it's a very important topic before you know, who you're who you're going to what kind of a practice you're going to have, you kind of have to think about, who are the people that you're going to be serving. So now let's talk now about now we're going into part three of our program, which is your target clients identifying the right type of clients for you. Okay. Every legal practice is a service business. And in the immortal words of Bob Dylan, you have to serve some buddy, remember that old song from the 1980s? You know, you have to serve somebody, who are they? Okay, well, your customers, unless you're following the strategy of taking everything in thinking everything that moves, you know, that has a pulse, unless you're following that, that practice mix. Your customers are not going to be everyone. Okay?

37:15
Think

37:16
about before you even think if you're just starting out in your practice, think about who are your natural customers, these are people who will buy anything from you at all, whether it's legal services, antiques, whatever, if you if you go back to high school, and I really, I really hate to bring it back to high school. I'm sorry that I'm doing this. Go back to your high school. Pick your old find your old college yearbook, it's probably her high school yearbook is probably up in your attic or in in a drawer somewhere. Take a look at this dusted off and look at the people who signed your yearbook. And the people who didn't. If you do this is a very eye opening exercise. You realize when you look at these people, it wasn't just a random group of people. There was a certain type of person who was more likely to be your friend in high school than not, you know, maybe you are one of the jocks. You forgive me. I mean, this, you know, I don't think this has changed in 50 years. I think there are really only three basic types of high school kid. I really do. There are the jocks, there are the geeks, and there are the artsy kids. Those are the three sort of major I mean, there's a fourth class called I think they call them a stoner or something like that. But when you really look at the stoners really closely, they're really either artsy kids or geeks. I think it's very rare that

you see a stoner jock, unless, of course, they turned pro, a little joke there. Okay. But let's, I'm going a little too far afield here. You really cannot sell effectively to people unless you know a lot about them. And you really have to know a lot of you have to know them very intimately. You do you have to ask them some very personal questions. And we're going to talk about that in the next couple of slides. This is, this is the most This is the deepest inside baseball that I do. In this program here. I'm going to spend the next few minutes telling you some things that has taken me 40 years to learn about people. You have to be very good at reading people and finding out what they're all about. And it's much easier to do when these are the people who who like you anyway, the people who are normally if you really look back at your life so far, there are certain people who are attracted to you. And there are certain people who no matter how hard you try, they just don't get you at all. And I see too many people, not just attorneys, I see a lot of entrepreneurs, wasting time chasing after people that just don't want to have anything to do with them. I mean, you will find this out not everybody will buy from you. You could have a cure for cancer, and the person you're talking to has the disease, but they will still not buy from you because of who you are. You know, and I'm not talking about prejudice or discrimination or anything like that. I'm just saying they just don't get you they don't feel comfortable with you for whatever reason you When I was in high school, there was a class of people like that they would didn't want anything to do with me, no matter what, no matter how hard I tried that class of people was called cheerleaders. Okay, they didn't get me. You know, that wasn't my social scene in high school. And there are reasons for that, you know, years of therapy. I'm over it now. But But anyway, okay, you really can't sell to people until you know a lot about them. So start asking yourself, what kind of free people do I really know? Who who's who gets me What kind of people always grab, they may not look anything like you at all. But who are those people, because those are going to be the easiest people for you to sell to. Okay? Because what happens when you really don't know who you're selling to, you end up selling to stereotypes, and that, well, first of all, that's a bad thing to do that can lead to racism, and a lot of really horrible things. But also, it's a very stupid thing to do business wise, because stereotypes, don't buy anything, real people buy any buy things, and you have to figure out and real people are a lot more complicated than they look from the outside. If you really don't know who you're selling to, you're gonna end up selling the stereotypes and stereotypes. I'll give you an example. Here's a lawyer stereotype. Okay, what do lawyers worry about? Okay, what do lawyers now of course, I'm talking to a group of lawyers. So you get this, but a lot of my audiences that when I talk to entrepreneurs, groups at all, they don't get this. Okay? When I asked a bunch of non lawyers, what Oh, they worry about money, they worry about malpractice suit, they worry about, you know, not doing not getting paid on time. All of those are correct answers. But those of you who were all lawyers here, so I think I can speak very honestly, you know, yourself, one of the biggest things you worry about in your practice is not having enough time for your family and your personal life, you worry that you're going to be spending so much time practicing law that your kids are going to end up growing up not knowing who you are. That's a very big fear that attorneys have people outside the legal community don't

see that we do inside the community, we see it. So that's what I mean by selling the stereotypes. If you base your if you're selling to a group of people, you don't know, you're going to base your your marketing on a lot of stuff. That's just not right. You know, I mean, if you're spending your time, you know, marketing to a group of people that you don't know all that, well, my advice to any entrepreneur is get a business partner who understands that group of people who's a part of that, that demographic themselves, who understands them, and you can crawl inside their heads and look at the world the way they do. who's who's what's the old famous saying, never judge somebody unless you've walked a mile in their shoes, find somebody who's like that, okay? The key to knowing your customers. This is one of the most profound things I have learned in 40 years of practicing law, and especially working with entrepreneurs. There are two reasons and only two why anybody buys anything in this world. There's only two reasons in this world why you've ever bought anything. There's only two reasons in this world why I have ever bought anything. As a consumer, I am no smarter than anybody else, I am motivated by the same things that motivate any customer or any consumer when they look to buy things. Now, if you read some business books, they say that the two things our needs and wants, but that's not true. It's taken me 40 years to learn this, but what what really motivates people are not needs. And once they what they really are our fears and passions. If you've got a product or service that turns people on, that gets them excited about life in some way, they will buy from you. I mean, examples, you know, sporting goods, entertainment movies, you know, talking about stuff that's not so nice to talk about drugs, you know, addictions are passions, pornography, alcohol, those are nothing nice things to talk about. But they are, you know, passion based cells. You know, you see the ads for perfume, on television. I mean, they don't even show you what the perfume looks like. They just show these very grainy photos and people having sex basically, that's what they do. They're trying to arouse certain passions in their audience. The other other set of emotions that make people buy things are fears, anxieties, and this is where we lawyers come in. If you're worried about something, okay, you will hit up your credit cards to sleep better at nights, even in even in even in a rough economy like this one, where people are cutting back a lot on their passion based purposes, people will still shell out really good money to have their fears alleviated if someone is worried about getting sued by somebody, if someone's worried about the IRS auditing them. Okay, this is where lawyers come in. We help ease those people's fears and help them sleep better at nights. You know, ours is unfortunately a fear based business. And one of the most effective marketing techniques you can use often with clients is to arouse those fears and get them to focus on these fears. I have a YouTube video about this. It's a it's an hour and 15 minutes long. It has been viewed so far by over 300,000 people in 40 countries around the world. So I think I hit a nerve here. I think I did something right. It's called How to sell anything to anybody. And just if you search on YouTube for clinical how to sell, you'll get a hold of it, you'll, you'll know it's me, I'm wearing an absolutely ugly purple sweater. In fact, some people have called it my purple sweater video is that purple sweater is becoming a meme on the internet. If you know what that is, take an hour out of your life and watch this video. It's especially geared to people in service businesses

like ours. Again, you will not qualify for CLE credit by looking at this video, but I think it may change your life in some ways. Okay. Ask yourself also how do they? How do your customers your clients learn about new products and services? You know, are they readers? Or are they visual people now we lawyers, our readers, we do not believe that anything is real, until we see it in print. That's just how we're trained. It's how we look at the world. So you know yourself whenever somebody has tried to sell you something as a lawyer, and they do all this hype, crazy

45:56

hype stuff, you know, there's, you know, there's bells and whistles type of stuff, it turns you right off, because that's just you just show me the fine print. Let me read the document. Let me look at the contract. Let me look at me, look at me look at the warranty. Let me see what what you're what you're really giving me here. That's how we're trained as attorneys. Now, different other groups of people are motivated in different ways. They may be visual people they have to see it demonstrated your product or service. Are they detail oriented? Are they the kind of people that look at things always from 5000 miles up? Do they like flash? Some customers like flash? They do. It's kind of hard for attorneys to market to those people because we're not like that ourselves. But there are some people that like, you know, a glitzy business card that glows in the dark. I mean, from people like that i for attorneys that really doesn't work very well. You know, are they are they Gen Z or millennial? And the reason why I say that, by the way, and please I'm not going to get into any, you know, obviously I am a boomer. Okay, so I'm not going to talk about the boomers should not talk about millennials and also to millennial should not talk about boomers either. But we're not going to go into that. But the one thing you got to know about that generate those generations, they live on their phones, they live with technology. So if you are not reaching them on their smartphones, you are not getting through to them, you're not getting your message across. That's the only reason I mentioned this, that particular generation. And by the way, other generations are getting more this way now because of the pandemic. One of the biggest things that has happened during the pandemic is that us boomers as older consumers and clients and customers are becoming more tech savvy now because we have to be, we have to live on our phones more than we ever had to do before. And that's not going to change that's not going to go back after the pandemic has done a lot of the same techniques that my clients are using to pitch a pitch to millennials and Gen Z votes. Now work just equally well, with the boomers and the Gen Xers. Okay, that's one change that the pandemic has wrought. If you don't need again, if you don't know your customers, you got to find yourself a partner. Or maybe it's a key associate, or maybe it's your spouse, but you got to find someone who knows that group of people and can help you avoid the stereotyping, which goes on when you try to sell to people that you don't know. Okay. Okay, so now let's get into the thrust of this. Now, let's get into the heart of the program, which are the five pillars of legal marketing, when you're marketing a solo or small law practice, these are the five things you should be doing. There may be others. Don't get me wrong, I'm not saying these are the five only things you have to do. But these are the core things, these

are the things that are the heart of your marketing program. And here they are. Okay, the five pillars of your law firm marketing program. Okay. Number one, your firm name, address business cards and stationery. Yes, I know, we are moving into a an increasingly digital world, yes, I get this. But paper and dead trees still account for something. When you're in a social situation, someone's always going to ask you for your business card, you got to have these things, you know, and you got to have stationery that looks professional, you are still going to have to do things with paper, your retainer agreement. For example, a computer generated retainer agreement looks horrible. It does, you want something that looks a little bit more, you know, a little bit more classy than that, for lack of a better word. Okay, we still live in a in a in a in a bricks and mortar world for at least a while for at least another 20 or 30 years after that. I make no promises but for at least a while, we're still there. And you still have to worry about your presentation in the real world. Secondly, your involvement in organizations and community activities. Okay. Of course, we're all doing this virtually now. And we're doing it with social distancing. It's going to take a while for these things to come back perhaps. But we still join organizations, we still join groups, okay. You know, that is even if it's just a networking group, okay, but which and we'll talk about those a little bit later. Number three, your personal interaction with potential clients and referral sources and your elevator pitch. Okay, now that's a term that comes from the entrepreneurial world. I'll explain it in a few minutes. But every attorney has to develop an elevator pitch when they meet somebody new, or they're being introduced to somebody on a zoom meeting. You know, usually in a zoom meeting, they go around the room like The Brady Bunch thing. And they everybody says at least 30 seconds about what they're doing, what are the things you want people to take away, you know, from that, you got to have that ready, just like I did, at the beginning of this program, here are the three things you need to know about me. Now, there's a lot more about me. You know, if you look at my website, you'll see all the other stuff that I do. But those are the three things I want you to take away from this program, your public speaking strategy, you got to open your mouth here. Now this is going to be the hardest thing because a lot of attorneys are introverts, even though they they go on trial, and they're yelling and screaming at a judge all day, if remember, in front of an audience they turn into when they turn into a clam, okay, you got to get comfortable with public speaking because that is a the most effective way for you to get your your, your your your message out, especially if you're a new attorney in a new area, you move into a new part of the country, let's say you had to move because of the pandemic. And now you're dealing with people that you don't even know they don't know you're there. speaking in front of groups is what will is what will is what will get your name out more effectively than anything else just about then you're fighting number five, your long, firm website and social media presence, your presence online. Okay. Notice, that's number five. It's not, it's not the only thing that's out there. Okay. Okay, so let's just talk for a second. And now. Now what I like to do in this program is I want to talk about F, instead of doing a separate section on ethics. When I first put this problem together, let me just do a whole section on ethics. But then I said to myself, you know, that's not really very practical. What I want to do is I want to talk about these five pillars of your legal marketing strategy. And

51:41

in within each one, I'm going to talk about the ethical considerations that apply in that particular that particular activity. I think that's a more that's a more realistic program for you, folks. And I also think it's a more more fun way to present the material people hate the walk through the rules. Now, rule seven point when he says there's now 7.1 B's says that, that's boring as crap. What I want to do is, here's a very effective marketing technique, and here are the ethical things you need to know when you're doing that specific thing. I think that's a more fun way to do. So let's talk about ethics. Where are the rules? Okay. Well, the good news is the people who put together the model rules of professional conduct the ABA. And by the way, the rules were first handed down in 1978. By the way, that was a long time ago. Okay, that is 42 years ago. And I know very well, because I was a first year law student, when the ABA model rules came down is a very big deal. Back then, you know, the good news is all the rules of marketing are in one place, they're in Article seven of the model rules of professional conduct. These are rules 7.1 to 7.5. Now, the thing you have to know about the model rules, I don't think any state has adopted them verbatim. Virtually all of the states have made changes in some ways to the ABA model rules of professional conduct. And especially in Article seven, Article seven is the place if your state has deviated from the ABA model rules in any way, they have probably done it here. In our in the article seven rules on marketing, every state likes to impose its own little wrinkle rules to the way their lawyers market. This is a playground for state bar associations to play with. And virtually every state has different rules and very particular rules. We'll talk about some of these two. Now, I'm admitted in New York, New Jersey, and Connecticut, those are my three states. So those are the states I'm going to kind of default to when we talk about the rules. The other place, though, you want to look at you. So make sure that when you look at the A B, don't just look at the ABA model rules, you have to look at your state's version. If you go to your state bar associations website, wherever that is, find your State Bar Association go to their website, the ethics of the rule, model rules are usually available for free there, you don't have to be a member of the association to access their version of the model rules. And when you look at the model rules look specifically at the state comments. The New York comments, the Iowa commerce, the North Dakota comments, whatever state you're in, make sure you look at those those specific comments because those were thought through by attorneys in your state and they're unique to your state. So make sure you focus on those. The other thing you have to look at are ethics opinions, every bar association, hands down, hands down ethics opinions, and you don't have to look at the ethics opinions in your state. Again, if you go to your state bar associations website, you'll probably see all of their ethics opinions. You know, they're and they're, they're usually free. They usually don't require you to be a member to look at them. The one exception is the ABA. The American Bar Association requires you to be a member of the ABA before they let you look at anything on their website. And I think that's a little that's a little unclassy of them normally ABA is a very classy organization, I'm not knocking them. But this is one area where they're just a little bit chintzy

55:05

if you don't mind me saying it that way, in the ABA, every other state that virtually every state that I know of their State Bar Association, lets you look at their ethics opinions without forcing you to become a member. You know, you can just look at the public page, and it's, and they're right there, they're usually a link right off the homepage. You know, for attorneys. ABA doesn't do business that way. I don't understand that. But don't limit yourself to just your state because chances are, if you're looking for the answer to specific questions, some other state has probably addressed this. And there's an ethics opinion in that state. Now, of course, that ethics opinion will not be binding on you if you live in another state. But it's a good idea to look at those to find out what the best practices are, you know, so let's say you're in New York, and the Texas Bar Association has handed down an ethics opinion that exactly addresses the situation you're in? Well, chances are it when the New York Bar Association addresses that issue, they're going to look for this, they're going to find the Texas law of Texas Bar Association opinion, and they're probably going to copy it is what's going to happen. The people that do this are kind of like I don't know, they copy everything else that everybody else does. And if and if Texas has done something, unless it's radically different than than what New York would do, unless their laws are just totally different, they will probably go in the same direction. So by following what Texas is doing, you're well on the road to complying without having to ask the New York Bar Association to address the issue, which is time consuming, and is very expensive. So ethics opinions are very important. You know, spend at least a few minutes every month looking for expert ethics opinions that are new in the area of marketing. So now, let's talk about the about the first pillar of your marketing strategy, which is your firm name and address. Okay. So firm name, you can name your firm, whatever it's like, as long as it's not misleading. By the way, the little asterisks that you'll see in these slides, I always cite to the rules that I'm talking about the you may have to open up the notes section of your PowerPoint to see them but they are there. If you're not seeing the if you're not seeing the notes. If you go into PowerPoint, and you click on reveal, I'm sorry, view, and then click on notes page, it'll open up the notes page at the bottom of each slide. And you'll see all my citations that I have in these slides. For those of you who are not PowerPoint wizards, it's, you know, that's that's you. So if you're not seeing them, so for example, right now, you're probably not seeing the the notes in the slides. But open the notes page in PowerPoint, I did give you this presentation, it does live in your electronic course materials section for LexVid. Take a look at it and you'll definitely be able to open up the notes page there. Just whatever you do, do not copy my slides and put your name on it. I will find out about you. And my lawyers will or will be all over you like flies under a crap. Okay, so do you do not steal my copyrighted stuff? Okay, that's literally you get the idea. All right. You can name your firm like as long as it's not misleading. So let's say for example, you're a solo you work out of your home, and you call yourself, you know, the Law Offices of whoever. Okay. Well, that's little that can be a little misleading unless you have two separate offices that was that happens I do I have an office in Connecticut, I have an office in New York. So I can say I'm more offices of, you know, Clifford our eneco. But unless you have two actual two offices, if it's just you, and you're working out of your home office, you know, the PI box

is not a separate office. You I think you should be calling yourself law office of you know, whatever.

58:46

The other big thing is, you cannot use an Associates unless you actually have them. So, you know, Cliff eneco and Associates, I don't have any associates. So you know, your dog cat does not qualify, I'm sorry, especially your cat. Your cat does not want to know who you are. They do not okay, that's it, they're into themselves. You know, no cat must be considered your associate or your paralegal or your admin. Okay? Okay, so just think about that dogs a little bit differently. But anyway, you can tell them my biases there. What about a trade name? Okay. The ABA rule says that a trade name can be used by a lawyer in private practice, as long as it doesn't imply a connection with a government agency or with a public or charitable legal services organization. So for example, you cannot use you know, a trade name, Cliff, the IRS specialist, because that implies that I have some kind of relationship with the IRS which I personally do not have. So that would be misleading. Another thing is to say, you know, you know, cliffs legal, you know, cliffs legal foundation or something like that. Something that implies that you're like a free legal services organization. That can be misleading anybody who's thinking that you're giving out free legal advice, we'll be bitterly disappointed when they find out you're going to charge them If you could send them a bill that they're not expecting, by the way, rule number one, if you want to avoid angry clients, okay? If you never want to have a fight with your clients ever, over things over money, never ever, ever send a client a bill that they are not expecting. Okay? never send a client a bill that they are not expecting if you if you gave them an estimate, and you ran over it, talk about it with them first talk it through them. And then when they say okay, well, let us let you charge us another couple of hours, we realized that issue was more complicated than we thought it was, then you send out your bill. You know, 90% of client lawyer fights can be avoided if you just don't do that. Okay. A little free advice there. Okay, a firm may be designated by the name of some of all of its members, you know, by the names of deceased members where there has been a continuing succession in the firm's entity, or by a trade name, such as the ABC limp legal clinic. Now, keep in mind, some states have restricted these, if you look at your state bar associations version of the model rules, they may very well restrict your use of a trade name further than the ABA has done. So up until about two months ago, for example, June of 20, New York prohibited use of trade names, you could not call yourself the ABC legal clinic in New York, you couldn't do that. They changed the rules just recently, and now they're following the ABA rule a little bit more closely than they used to in the past. So they're now allowing it, but some states have cut back on this because it's very easy to be misleading when you're using a trade name. I know. But so for example, you cannot use names of people that you don't know, you know, so if I were to call myself, you know, the form of eneco, Trump and Obama, I mean, that would not work. Okay, that would be a major ethical issue, I have known no relationship with either of those two people. So there's no way that I can do stuff like that. I'm obviously doing that because I want to get search

engine activity from people who are searching for Trump or Obama. You know, and I want my I want my form that's called keyword spamming, by the way, and you never ever do that. We'll talk about that more when we talk about the websites and what you do there. You know, a lawyer or law firm may also be designated by a distinctive website address, or a comparable professional designation. Now, this is only applies to website URL. So let's say for example, your name is Dimitri will Jehovah, it's okay. 80 letters long. Okay, that you could definitely scroll yourself to meet people Jehovah's calm, but it's not going to get you any business because no one is going to spell your name correctly. And by the way, I can relate to this because my last name, which I think is very simple, e n, n IC O, okay, and it goes kind of sound. To me, it sounds like it spells and spells like it sounds.

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But you'd be amazed how many people have trouble with that name. They put in an extra, they put in one end or two C's? Or they they put in M's and W's and letters that don't belong there. You know? So if I say I'm clinico, calm, okay, spell anaco. Okay, if you have to spell your name, it's much better to say Cliff the LLC guy calm. Okay, as your website, that's easier cliffy, LLC guy that's also more memorable to Okay, so if you're Dimitri wojo, which you might call yourself, you know, dm lawyer.com, or something like that, or dw, lawyer calm, that's a lot easier for folks to remember. Or never, you never want a website URL that you have to spell. If you are spelling your website, domain name to clients, that is not a good marketing, that is not a marketing forward move. Okay. So and by the way, Also, keep in mind that in some states to regarding we didn't talk a lot here about firm addresses, okay, while she was gonna talk about addresses right now, let's talk about your business cards. We've talked about your name. Now let's talk about your business cards and your letterheads. Okay. The rules of ethics, the ABA rules require that you must include on all of these things, the name of the firm the address and a telephone number, you must identify as a lawyer or a law practice. So if you're if your letterhead just says Clifford r eneco. And it doesn't say Attorney at Law, you know, you're technically have an ethical violation there. You must tell people that you are an attorney. That is that is a big part of Article seven, they don't want people thinking that you're something else. And you're really you know, practicing law that that's that's considered misleading. The states that you are licensed in, okay. caught your contact information, phone, email, all of that lists of partners and Associates if you have them. And then of counsel now that rules of ethics have an entire set of rules about of counsel relationships and of counsel relationship is someone who kind of shares the office space with you, but they're not practicing with you. I mean, I was up counsel to a firm for a couple of years when I was first getting off on my own. I wish I just rented the office space from them. You know, I wasn't working with their clients. They weren't working with my clients, I was building my practice, but they did put down, you know, of counsel. And there's a whole set of rules about that, which you'll see if you look at the citations, you'll see where those rules live. And they vary from state to state. So make sure you look at your state's rules, lawyers cannot hold yourselves, you cannot hold yourself out,

you may have to use a physical address in some states. The second circuit back in 2016, handed down a key case, it involved the lawyer in New York, who lived in New Jersey. But she did not have an office, a physical office in New York, she had a virtual office in New York. And the she was involved in some litigation where the other side challenged her right to represent the client, even though she was an admitted New York Attorney, because she didn't do the news. The New York law required that and ensure that all New York attorneys have a physical office in the state of New York now the statute that they cited, dated from 1909. So she felt rightly so that this rule was archaic. If she if she made a fuss about it, it would probably be overturned. Well guess what it went to the Second Circuit. And the Second Circuit said that this statute from 1909, while it was definitely behind the times was not unconstitutional, it did not violate the privileges and immunities clause. So she was knocked out of this case, because she did not have an actual physical office in New York, where people can come just be aware Some states have that rule. Now there are states that specifically allow virtual offices, but some states don't. And don't assume, no New York's are pretty progressive state normally, but this is one area where they're still living back in 1909. So don't assume that because your state is more progressive than others that that they will allow virtual offices, most states now are only now in 2020, changing their business Corporation and LLC laws to allow virtual meetings of stockholders by electronic communications and just doing this

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now, virtual meeting technology has been around for 1520 years, but only now is the law catching up to that. Don't assume that because you live in up in a forward thinking state that the rules haven't caught up, because many times they haven't. Don't hold yourself out as having a partnership with somebody else, unless they actually are your partner. That's always a good thing to do. If you don't have a written partnership agreement with them, chances are, you know, your relationship is not as strong as it should be. The other rule which can let's say you have a partner, and they take a leave of absence to hold public office, they they get elected to public office, you cannot use that name on your firm letterhead, or stationery. As long as they are in public office. That's a rule in virtually all 50 states. And a lot of people don't realize it the most people say hey, you know, Joe just got to look into the State Senate. This is great. We're gonna get a ton of business out of that. Yeah, but you got to take his name off the letterhead, or her name until such time as they are back in private practice again. Okay. So that's the firm, let's name stationery letterhead. Now that's pillar number one. Now let's talk about pillar number two, your organizations and your community activities that you belong, by all means join bar associations, please, I am not knocking bar associations here. They're a great source for education for CLE. They are a great place to network and find attorneys in other parts of the state. You know, if you need to refer somebody to someone in the other in a distant town or something, you know, joining your local bar association is the best place to find these people. They definitely serve a very wonderful function for our profession, but you're not going to get a lot of clients out of it.

Because of what I spent. I mentioned earlier, clients are terrible. Lawyers are terrible at referring business to other attorneys. It's best to join organizations where there are a lot of potential clients, and few if any other lawyers, that's the Nirvana here that you're looking for. So you're a software attorney, you do a lot of work in the computer field. And you find out that there's an association of SaaS providers software as a service providers. In New England, I would join it in a heartbeat if there were such an organization, because I know there's a lot of SaaS providers there. And they probably don't have a lot of attorneys, you know, you're not blaming anyone at turning in every time you every time you go up to refill your wineglass whatever the function is that you're attending, you know, you that's the Nirvana is to find an area where there's a lot of potential business and few competitors. Okay. The other thing you have to watch out for, and this is this is a peculiar Cliff eneco thing, I think I'm the only person who talks about this, make sure the organization has a low flake ratio. The flake ratio, this is a term that I have invented, I don't think you'll find it very much online. Basically, it's how I judge an organization. It's the ratio of flaky people to total population. Okay? Every organization has a few flaky people in it. But if he was to flake ratio is particularly high, it's going to be a problem for you A because you don't want to do business with flaky people. Also, if the organization has a reputation of being particularly flaky, you're missing Bishop in that organization taints you with that brush. You know, people judge you by the company you're keeping social media hasn't done anything to change that. In fact, it's made it worse. You know, if I'm looking at your social media profiles, and I see that all your friends are

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Yahoo's, I think you're a Yahoo to, okay. And I hate to say it, you hate to think that way, but all I'm talking human nature here, okay? I'm not talking about what we should be I'm talking about us as we are. Okay? Make sure that you stay away from organizations that have a five flake ratio, they end up being time vampires eat up all your time, and you don't make any and you'll get any business out of it. Make sure the organizations you join, reflect your values. don't join an organization just to get business, if you if you join an organization just to get business, but the organization has values that are totally contrary to your own, sooner or later that's going to come out, that is going to come out and it's going to be visible to everybody that you don't belong, that you're just not a fit. for that particular organization, make sure that the organization reflects whatever your values are, I don't care what they are. But make sure they reflect your values. Make sure that you have enough time to devote don't just or join an organization just to get business they can spot right away. The people that join just to try to get business, get involved, prepare to join a committee, or some task force or something like that, get Be prepared to get involved in the organization and show that you are really committed to their mission and their values. about political environment. Now, this is kind of a political environment. And social activism is a two edged sword. It's a two edged sword, it may be a great way to find clients in a certain area. So for example, if you are a civil rights lawyer, well joining some of the social movements that are going

on now the fight police brutality and all of this, that's probably a good thing for you to do. You know, if you're a civil rights law, people kind of expect that you're going to do that kind of thing. But it can also alienate I mean, I'm here, I'm not getting political here. I don't care what your political outlook is, or what your views on particular issues are. But whenever you get political, in a certain situation, you are alienating a certain group of your potential clients, and just be aware of that, no matter which way you go, you aren't going to be alienating. I mean, I always tell young attorneys and they groan at me when I say this, when you when you register to vote, and they ask you what your party preferences, say unaffiliated, or, or where they call, there's another word for it unaffiliated, you're not affiliated with either party, because that's public information, anybody can go online, I can go online and find out what your party affiliation is. And if I see, you know, undecided, undecided, or unaffiliated or whatever, I don't make any judgments about that. Okay. If I see one or the other? Well, I mean, I personally don't care. I'm kind of a middle of the road person anyway. But there are a lot of people who are very passionate about this, they view their political party as a tribe to which they belong. And if you're not a member of that tribe, they think you're an idiot. So you don't want to be perceived by any potential client as an idiot. I mean, forgive me, I mean, don't get me wrong. If you are passionate about politics or a particular issue, then obviously, you know, do what your what your heart tells you to do. Just be aware that there are marketing consequences to that. And if your goal is to build a huge practice, you want to be seen as a political as non political or, or a non activist of some kind. Again, I'm editorializing a little bit. But again, this is a program about marketing. This is not a program about, you know, being a good person and doing the right thing. Okay, let's talk about so now let's talk about organiser. We're talking about organizations and group activities. Now let's talk about the ethical considerations of these Watch out for conflicts of interest. Especially if the organization I mean, every organization in nonprofit organization, to some extent engages in some kind of political activity, they're not supposed to, if they're a 501, c three, they're not supposed to be engaging in political activity, but they do get involved in lobbying activities, or they take positions on various social issues. And that is permitted by the IRS rules to some extent. And sometimes they get involved with litigation. Be very careful if your organization is involved in litigation against one of your clients, that you basically are going to have to quit that organization or recuse yourself from doing anything that has any connection to that possible litigation, you could get into a conflict or your organization's can draw you unintentionally and unwittingly into conflict of interest situations that are prohibited by the rules. Also, if you have clients that are members of the organization, that ne software association that I enjoyed doesn't exist anymore. But the joy was ation that I mean, I joined it. I mean, I joined that night, when I saw 120 potential clients in one room I, I was there I joined, you know, but you know, make sure that when you get with these people, you respect their confidentiality, because let's face it at the cocktail session, you know, people lose People's lips get a little loose. And it's very easy for people to start talking

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like live and go, he did a wonderful aycliffe Tell, tell this guy over here by the great deal you got for me on that contract, you know, and you can't talk about that, you know, a lot of people don't understand we, you know, we're almost like monks when it comes to not telling, that's why lawyers are horrible at cocktail parties, we can't talk about anything without violating our rules. And then also keep in mind, too, people judge you by the company, you keep looking at the people around you. And if, if you feel nervous, being identified with that group, this is probably not the right group for you to be with, because people are looking at you that way. You know, so if you join an organization, you know, of people who, you know, I just totally disagree with their views on a particular thing. And I see that you're a member, that organization that's going to impact how I view you as as a professional. So, again, you know, people judge you by the company you keep and that just as true on social media as anything else. Okay, so we've talked about your firm name, your stationery, we've talked about the second pillar, which is organizations and community activities, and let's talk about selling, selling and soliciting clients. This is where the rules of ethics apply, greatly, is in the field of direct solicitation. Okay. Okay, again, a little pitch for my little my little video on how to sell just about anything to just about anybody. But when you aren't, when you're in a situation where you're telling people what you do, and you're talking to someone who might be a potential client, you have to develop what we call a, an elevator pitch, it comes from the world of entrepreneurship, the idea is, you get in an elevator somewhere in a building, and there in the elevator is somebody that you really, really want to impress, you know, you have 30 seconds before that elevator hits the ground floor, and you leave the elevator and you obviously this person again, what can you say to that person in 30 seconds, that will make them want to connect with you. Okay, that's what an elevator pitch is. Okay. Here's what you should say, first of all, get rid of The L Word. Hi, I'm a lawyer, the minute you have done that, okay? You have just dropped an 80 pound bag of baggage on that person. Remember, you don't know this person? Okay, you there's somebody you meet at a networking event or whatever, a cocktail event, maybe an association meeting, you don't know this person? You know, for all, you know, this person has had horrible experiences with attorneys. You know, you don't know. So the minute you say you're a lawyer, you've lost that person completely. And you don't know this. You haven't again, you don't know. They may love lawyers. I mean, you don't know. But when you use The L Word, you're taking a risk that you probably shouldn't, I don't take that risk. People ask me what I do for a living, I kind of waffle The L Word until I know that I'm a little bit better. And I know it will not be an issue for them. So for so here's what you should be doing in your elevator pitch. Describe the customers or clients you serve? Well, here's what I do I help people with this particular kind of problem. Okay, describe the problems you solve or otherwise, say how you make How do you make their lives better by what you do for them. Number three, describe what this what distinguishes you from your competition. Well, here's why I'm different than all the other people that do what I do. And then most importantly, and this is going to take some practice, tell a story, a humorous anecdote, or a weird fact that will stick in the person's head and make them remember you weeks and months from today, okay? It remember, you've only got 30 seconds or 60 seconds to get your message across to this person. You know, I mean, I hate to say I go to

events, or at least pre pandemic, I went to a lot of events. And I would meet all these people. And some of them were actually quite interesting. But the minute I left the room, I forgot who they were, you know, when there was that one lady, I think she had red hair. She was selling insurance, whatever, and I just couldn't remember who they weren't. You got to be memorable. Okay, a leading entrepreneur, I don't remember who it was. But he was one of the I think one of the founders of one of the early people at Apple wrote a book years ago called purple cow. And it's a great book on marketing and his message. It's a 50 page book, but his message can be said in one word. He basically was, you know, be memorable. Whatever you do, make it say something, do something so that when people are thinking about you, they remember who you were.

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So I'll give you an example. So I have to give you an example here. I can't just let you're on this. For many for several years, I ran a self publishing company called bionics Corporation. Okay, here's the elevator pitch that I use whenever I was at a meeting and I had to stand up and identify who I was. Hi, I'm Cliff eneco, President of bionics Corporation, Fairfield, Connecticut. We are the leading publisher of books, audio tapes and seminars on how to help lawyers manage their careers better. We are not trying to teach them How to practice law. We are trying to help them have more successful and more profitable practices. One of our books, the legal job interview, how to win the law related job in any market was the book most frequently stolen from law libraries, according to a national librarian survey last year. Now, let's go through that pitch. Okay, I didn't, I could have easily said, Hi, I'm Cliff eneco bionics Corporation, we're a legal publisher. Now that would have been perfectly accurate and a lot shorter. But let's face it, legal publishing, the dough boring, who, when you think of a legal publisher, you think of someone who's still living in the 19th century wearing a frock coat and covered with us. That's what you're thinking about. The exciting dynamic, that's not what you're thinking about. Instead, I say, I, we publish books, audio tapes and seminars to help lawyers manage their practices better. We're a practice management company. We're not a local company. We're a practice management company. We don't teach lawyers how to practice law, we help them but we help them manage their practices better and become more profitable. That's how we distinguish ourselves from our competition. Okay, we're a career management company. We're not really a legal publisher of any kind. And then I told you the story about this book, which I said happened, I wrote, it's still in print, by the way, it's called the legal job interview, how to win the law related job in any market is still in print after 30 years. That book for several years, according to the American Association of law librarians annual survey, that was the book most frequently stolen from law libraries around the country. Now that doesn't say a lot about the ethics of our profession, ladies and gentlemen, but it's great dust jacket copy.

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Isn't that great? The book most frequently, still livable my brain, Oh, man. How bad can this book be and people are stealing it from the librarian. And it really, it's an amazing, it was the best marketing thing that ever happened to my company I had, but it really is true, it is true. So again, I guarantee that for many of you a year or two from now, you're not going to remember my name, you're not going to remember who I was, and the two hours that we're going to be together today. But you may remember the fact that was this guy as well. CLE thing, he wrote a book that was so good, it was being stolen from law libraries, right, that's going to stick in your head. And that's what you're looking to do is to tell people stuff that sticks in their head, whatever it is, as long as it's ethical, and of course it professional. You know, if it's something embarrassing, you probably it will be very memorable, but you don't want people to remember it, make sure it's something that you want people to remember, whatever that thing is, okay, ethical considerations of selling and soliciting your ethic, your your elevator pitch, General marketing, and this is something a lot of people don't realize, and this is this is the second big message. Remember, I said I had two big messages I wanted to get across one is marketing is essential to your success, you got to do it, do it ethically, do it professionally, but you got to do it. This, this is the second big message. Don't let the rules of ethics become a prison. Okay, as a professional, you have to market yourself ethically, you have to market yourself professionally, you must follow the rules in your state. Okay, I am not saying anything different. But there are a lot of attorneys out there who interpret the rules too, conservatively. And to restrictively the rules of ethics, I will tell you, the ABA model rules have as many holes in it as a good sized Swiss cheese, there are a lot of things you are permitted to do if you read the rules very closely. Whereas if you read them just very superficially, it says, Oh, you can't do that. Read it close more closely. And you'll see you can do it within certain parameters. Okay, don't let the rules of ethics become a prison. So for example, when people can say, Oh, I can sponsor a sporting event, I'm attorney, we can't do that. That's legal advertising. in virtually every state that I'm aware of general marketing and branding activities, we are not trying not, you're not directly soliciting clients just want to get your name out there in the community. Those are almost always okay. So putting your name on pencils or legal pads and giving them away as tchotchkes or trade shows. Yeah, you can do that. Absolutely. sponsoring a sporting or a cultural event? Well, it's kind of hard now with the pandemic, but in better times, you know, sponsoring a concert if the local Symphony Orchestra, you know, sponsored by, you know, Cliff eneco attorney, yeah, you can do that. Offer a prize to somebody, you know, for, you know, joining their social network can't even believe it or not, you're gonna have a contest. Seriously, you know, a lot of state attorneys will do this, they shall let a charitable organizations have their an annual silent auction or something like that, and some local attorney will do a free will out as a prize, you can do that. It's perfectly alright. Join the Chamber of Commerce and other business development programs. Give us give a client a credit on their legal bill. Now this gets a little tricky though, and I'm gonna I'm going to talk about some rules here in a second. You know, in certain states that may be problematic. But let's say that you need a client has a wonderful experience with you and you say, Hey, you know what, I really want you to post a great review on avvo.com. Evo calm is like the Yelp for lawyers. You know, Yelp is a site where you

can post reviews on doctors and dentists and you know, other businesses. Avvo is for attorneys. Okay, so you know, so let's say, do me a favor, I got an apple account, post a positive review, I'll give you $50 off your next, your next legal bill, believe it or not, that is not prohibited by the rules of ethics. In most states. It's not you can do that. Let's talk about matching services, find law, Legal Zoom Rocket Lawyer, these are services that help to connect people with lawyers. They're basically a referral service. Now you probably know that rule 7.2 I believe it is, prohibits you from paying for referrals. And a lot of people say, well, that means I just can't do that I cannot give anybody any consideration at all. So I can't do any of these matching services. The answer is no, you are and you can participate in them. As long as you do not initiate the invitation, you're not reaching out to a specific client saying, Hey, I see your posting on on fine law calm, I can help you with that. That would be a direct solicitation. The client,

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not you pays the fee to the matching service. Okay. But even there's some exceptions on that there are no shared ties with the service provider. And there is no pre screening or approval. Prior to participation. This comes from an ethics opinion, that was handed down in New York in 2017. And to my knowledge is the leading ethics opinion, I've included it in your materials, because it's that important. that talks about the big actually, the state of New York did something very interesting, they actually gave you a set of very good guidelines, as to when an attorney can participate in a matching service without violating the rules of ethics. Again, you may be in another state, but it's a good best practice to follow. Because, you know, if your state ever addresses the same issue, they're probably going to be looking to that New York opinion, and they probably will be following most of them. Okay. Okay. The one thing you have to be very careful about here, though, is that you cannot pay a fee for a referral. So as long as the it's a blind matching service, where the other clients don't know, you know, they just posted a thing online, and then the service spits out a list of five attorneys in their area with expertise in that particular area and the client contacts, each of the attorneys directly, that is not paying for you or not paying for a referral, where you are paying for referral is a situation where the matching service, if the matching Service says to you, hey, Cliff, if you pay us an additional fee, we'll make sure that your name appears in purple letters every time, you know, it's given out to a potential client. So your name will stick out above everybody else's, if and for a while, by the way Apple was doing that. And a number of state bars, including New York prohibited their attorneys from doing from doing participating in that particular referral service because it was considered to be there I am paying for a referral. If you see what's going on here to be listed in the database. I mean, hey, every bar association charges you a fee to be listed in their professional on their website. Okay, that does not violate any ethical rule that anybody knows about. If all you're paying for is a directory listing. That's not unethical at all. You know, if you're paying Mel for a specific referral, where the matching services highlighting you in exchange for a fee, then that's more of a quid pro quo, and that's more likely to violate rule 7.2. Okay, let's talk about public speaking. You're is that

where I am? Yeah, here we go. public speaking. Okay. So we're not gonna talk about public speaking. I love this. I mean, I'm a ham anyway, I actually considered mining and drama when I was a college undergrad. I mean, I've loved I was an artsy kid. I mean, I was Best Actor. In my high school drama club, like three years out of the four I was there. The only reason I didn't do four years is because they did a musical and I can't sing with crap. But anyway, this is too much too much information. volunteer for every speaking up. This is the best way for lawyers to get their word out in a very ethical manner. become an expert. Don't be afraid the rules of ethics actually encourage you to educate people on the law. That's actually one of your professional obligations is to increase awareness of the law within your community. You're not violating the rules. You're doing exactly what the rules want you to do by doing this. So take advantage of this. You know, here's what I used to do. When I first started practicing. There was a publication and this in it still exists. It's called the Fairfield County Business Journal. It's a weekly newspaper. Just looking for businesses in Fairfield County, Connecticut, which is where I, I gravitated to, they used to have a column in the back of each issue called on the agenda. And it was nothing more than a listing of all the organizations that were meeting that week, and the name of their contact person, if an aim and phone number, if you want to contact them. So the Fairfield County chapter of the National Association of management, accountants, that kind of thing. And here's Joe, if you're interested, here's Joe blows, name and number, okay, I called them all, whenever I got this issue, every issue, I looked at the autogenic call, and when I saw an organization, I called their program director who was listed there, and I said, Hey, I just saw your ad in the thing and that your your bullet in your announcement in the Fairfield County Business Journal, I'm a new attorney in town. And there are a number of topics that I'd love to speak to one of your lunch meetings, there are a number of topics, I think, are the things I'm working on that might be of real interest to your members. And I'm free. I don't, I don't charge to speed me, I'm yours. Now, the minute you utter the F word free, you will get a callback from these people. And why Why? Why is that? I don't think I ever had anybody object to this. Okay. Why? Because think about it, your program director of some very Michi organization like that, the Fairfield County chapter of the American Association of management accounts, what is one of your you're the program director, you're the person who has to find the speaker for the monthly lunch meeting.

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Okay, what's your biggest challenge finding good speakers, and you're a busy professional, you're not, you're not a professional, you know, program person. This is just something you do because somebody dragged you, somebody, somebody put your name up on it, and you forgot, you forgot to object to it. That's how you got stuck with this. So all of a sudden, somebody calls out of the blue and says, Hi, I'm willing to speak to your organization for free, and I got lots of great things to talk about, you are going to call that person back because that person has just made your job a lot easier. Okay. I always got called now, I gained about 25 pounds. My first year as a solo, I have to tell you about this. Whenever you adopt this strategy as part of your marketing, you're going to

get another nice lunches, okay. And when someone is plying you with food and wine, and it's absolutely free, you're going to take advantage of that. Okay? Watch, make sure you keep your gym membership up, make sure you exercise well, because you may end up getting a lot of weight doing this, but you know, get in front of people. And there's almost always one or two people in there that will help you get business in some ways. Use don't talk about what you do. Okay? People are people find lawyers boring the minute they think you're like, oh, he's gonna talk about the changes in the tax code. That's how they react to it. Make it talk about what you do talk about their I mean, their fears and passions. I keep coming back to that fears and passions, talk to them about their problems, their issues and things that you have done to help them you know, people in similar situations, obviously, be careful, don't disclose client confidences, you know, how you can solve screenings that, that they can do to help solve a very common problem that they face. Use lots of stories, illustrations, examples, if you have a sense of humor, may take advantage of that people love to laugh, you cannot hate somebody who makes you laugh. That's one of the basic rules of human nature is you cannot hate you may not, you know, be wild about them. But you cannot hate somebody who makes you laugh. You know, when when a famous actor or actress dies, you know, they always get a great write up but when a comedian dies the word that almost comes up always in the in the obituary is Beloved. You know, so and so beloved comedian, that we're always comes up. Okay, people, you love the people who make you laugh? Okay. Take advantage of that. It's been one of the first rules of social interaction is if you're going to get anything out of anybody, they got to like you, right? Well, the surest way to get somebody to like you is to make them laugh. Now, forgive me, if you do not have the personality for humor, don't try it. Because you will end up you know, you'll be the one with the custard pie on your face. Okay? I see too many examples of lawyers who tried too hard to be funny when it's really not in their nature. Okay? Don't try, okay. If you have it in you, by all means, you know, take advantage of it, but don't force it. People can tell if you're forcing it. You know, it's better to tell a story that's real and that actually happened than to try to make somebody laugh and to fall flat on your face. Okay. And always, whenever you speak, be sure to include a disclaimer that this is legal information only not legal advice. My disclaimer at the very beginning. There's a reason I did that. Even though I'm talking to lawyers, I still do it anyway. Make sure you tell people I'm not gonna be I can't give you advice here. I'm not gonna say anything you can sue me on. Okay, here are the some of the ethical rules about public speaking. You know, 7.1 RSS specifically, you may speak publicly or write for publications to take advantage of this. You can participate in an In online webinars and live seminars for non lawyers do a YouTube channel, especially if you're trying to reach younger demographics. They love YouTube. They live on YouTube and Vimeo, when these other online video sites, get a series of short online videos like 510 minutes saying, you know, here's a problem I faced in my practice, and here's some things you can do about it. Want to hear more, give me a call at you know, 100 cliff, you can do that. You know, make sure you follow your state's rules. There are some states by the way that say when you do this, you have to have a little thing on the button that says attorney advertising on New York is such a state it has that. So just make sure you put attorney advertisement or this is this is a solicitation of legal services, and you

usually will have comply with the law in virtually all states that I'm aware of. Do it get out there, you know, let people see you. People do not buy your services, they buy you. And if they buy you, they will do this. You know, and whatever you do in your marketing efforts, make sure you human eyes yourself come across as a human being. And I'll tell you why in a minute. Be very careful. If you're using hypothetical

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examples, make sure that you scrub them so that there's no likelihood that someone's going to know who you're talking about. And you're going to end up with a problem with a confidentiality ethics issue. Okay, you got to be careful, you never know who's in the audience. There may be someone there who was very close to one of your clients, and who knows a lot of what that client went through. And if you use that as a story, it's going to get back to the client. So be very careful when I tell a story. I always change irrelevant facts about the story. So make it more misleading in a way Don't get me wrong. The story happened exactly the way it did. I'm not misleading anyone. I'm not misrepresenting. But I'll say something like I walked into this person's office and the the furniture was very elegant, Danish modern, when in fact it was. I Love Lucy furniture from the 1950s. I do things like that. So they may thanks a woman. He's not talking about my friend, Joe, because my Joe friend Joe has a different looking office. That's he's talking about somebody else. That's what I want know people to do. It's not misleading at all if you do it the right way. So let's talk now about your website and your social media. Okay. Every lawyer should have a website, it bugs the crap out of me. When I am looking for an attorney, somebody I actually might want to refer one of my clients to and they don't have a website showing up on page one of the search engine results. All I see is their listing on fine law or Martindale Hubbell or ABA or one of the things. You every attorney should have a website even in the year of our Lord 2020. Okay, yes, I know is 2020 everybody's on their phones, everybody's got Facebook and social media, you got to have a website of your own. Okay, if you're a cliff eneco, and you're not flipping to co.com, that is a real credibility kill to me, and I'm sorry, or your firm should have a website, you got to have it. There's only one place on the internet where you can sell stuff and keep 100% of the proceeds. And that's the stuff that you sell from your own websites. What should be on your website, what you do in laypersons terms, don't say I'm a real estate lawyer, give listings use bullets. I help people buy and sell residential properties, buy and sell commercial properties, help with zoning matters. Describe what you do. When people search online. This is also a great SEO This is great search engine optimization. When people are looking for an attorney. And thinking about buying a franchise Believe it or not, they don't search for franchise lawyer. They search for help in buying a franchise. So when you do your bullets, they help in buying a franchise that is great social media that you're much likely more likely to get clients than if you put franchise attorney or franchise lawyer people don't know what a franchise attorney is, but helping buying a franchise that that they'll understand. Put your fee schedule up there. The rules of ethics allow you people attorneys, people are afraid to talk to attorneys about how much they charge. That's a very awkward

subject, take the awkwardness out of it, especially if you're doing flat fees. put that up on your website. Here's some, here's I here's my hourly rate, but I do a lot of things for a flat fee. And here are some examples of the flat fees that I charge. Okay, and don't get me wrong, you're not going to this is not going to make you popular with other attorneys. Some of them are going to think you're the Antichrist because their clients are using looking at your information. And they're going back to their attorney saying hey, how come you're charging me this much and Cliff eneco is only charging this much, you know, but hey, you don't care about them. They're your competition, you know, unless they until they listen to my program, they're gonna be living in darkness, okay, until they put your fees up there. It makes you look much more accessible and put up free information. You know, people love freebies. I mean, if you look at my website and Cliff eneco.com I got a whole like a dozen things, you know, checklists of things and things that I give away. Here are 10 things to think about before you buy a franchise. Here are five things you need to know before you form a nonprofit organization to put stuff like that up there. show the world that you don't say I'm an expert. Tell show people you're an expert by giving them stuff for free. People love freebies, they love free information. What should not be on your website? Now? Here's a very touchy subject. Okay. 99% of the lawyer photos that I see on people's websites and social media should not be there at all. Okay, why? Because they make you look like a dork.

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Okay? Have whenever you put your photo up on your website, have it professionally done. Do not put up a selfie of your recent trip to it. You took on your recent trip to Italy, where it's all grainy, and you got a three day old sobol a beard. Don't do that. Even some professional photos. I hate to say it should not be up there. People do not care what their lawyers look like. They do not care what you went to law school, they do not care that you would a law review article on Supreme Court double jeopardy clause analysis, which happened to been that happened to be my law review note when I was in law school? No, I don't think it's been cited once in 40 years. The people don't care about that. What they care about are two things. Can you solve my problem? And can I afford you? And can a third thing can I communicate with you? Those are the three things that people are concerned about. That's the only three things that should be on your website. Here's the stuff I do. Here's some stuff I don't do. So we don't end up wasting each other's time. I don't do patents. I don't do trademark. Okay, here's what I charge. And you can hit and then unionize yourself. Okay? When I did my website for Cliff eneco, calm when I got to the end, I wrote all the copy myself. When I got to the end, I couldn't figure out how to end it. What I wanted was a call to action is what I wanted. Like, I'll still have questions. Here's my email address, but I didn't want to do it that way. So I did, I did this dumbest thing I ever did, which turned out to be the smartest thing I ever did. I ended it still have questions, call me dot dot, dot, I don't bite. And then there was my email address. I cannot tell you how many times in the last 30 years, people have called me and said when I saw that line, that tagline I don't bite. I knew you were the attorney for me. Because let's face it, people are afraid to talk to attorneys. They know it's going to be expensive.

But more importantly, they are afraid that we are judging them. What you did that the IRS is going after you for that boy, what a stupid thing. That's a stupid, nobody does that. That's the dumbest thing I ever. That's what they're afraid of that you're thinking, right? I don't do that. Okay. I my attitude is, look, you got a problem with the IRS. Great. That's what I do. I can help you, I can solve your problem. This is great. This is and it's not a bad thing. Don't worry, you're not gonna go to jail. No, this is not going to be like that we can we can work something out. The minute they hear that they are in your pocket forever. Okay? But if you give a course like it's not going to work, okay? You got to you got to get over this. People are afraid that you're judging them, show them that you're a human being and that you're sympathetic with their situation, do whatever you have to do. You can you can even use the item bite. It's not copyrighted. So I don't really care. If you want to do that. That's fine and dandy. I don't care if it gets you business. I don't care. I'll give you that one. Okay, but seriously, now there are some rules here about this, you can never refer to yourself as a specialist Unless, of course, you are certified by an organization that the ABA respects and never make claims about your practice that cannot be backed up by hard facts or data. So for example, if you say, you know, I'm a, I'm a leading authority on small business law. Well, I don't know, maybe that's true. Maybe that's not it's puffery, I'm just blowing myself up there even bigger than I actually am. But if I say author of 16 books on small business law, which happens to be a true statement, by the way, any ethics commission that goes after me, the first thing I'm going to do, I'm going to send them copies of all 16 books. Okay,

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I can, I can back that up. You want to see them all? Take a good look at my back and my bookcase back here,

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I got them all on the shelf, right there. Okay, I'm not misleading anybody by doing this. You know, always use facts and hard data that can be easily backed up. You know, one the last 27 of my 30 automobile DUI cases is a lot better than saying, I will get you off the hook for DUI. The minute you make a statement like that you're getting into ethically questionable territory. Okay. Okay, here are some specific things that the laws of ethics allow you to put on. And I'll leave this slide up for just a second. But basically, this is a look at the rules in your state. There are usually very specific rules about guaranteeing results. Make sure you always have somewhere in your website, if you're a litigator a statement past experience does not predict future results. You know, just because this happened doesn't mean it's going to happen for you, you know, you can read you can be the first one I screw up you know, so don't be careful about forward looking projection type statements. Okay. In some states, you may have to use attorney advertising and you cannot use meta tags or hidden computer codes. So if I would have set up a website, and everything else on the website was perfect, but I had, I have meta tags underneath for the search engine saying

Cravath, swaine and Moore, Sherman and Sterling, you know, boglen gates, the ethics people would nail me on this, because what I'm trying to do is I'm trying to pick up business from people that are looking for bowling gates, okay, and that's misleading. Okay. So be very careful about this key, which called keyword spamming. And you can actually get sued for that. Never use somebody else's Registered Trademark as a meta tag on your website. You know, you can make statements comparing your services to other lawyers, the ethics rules allow it, I tell people don't do it. Don't get yourself into a hissing contest with another attorney. Okay? Even though you can prove that you're you won more cases than he has or you know, has, you've done better work than she has, don't get, don't get into a fight with somebody else don't make comparisons to other attorneys. It's like some famous golfer, I can't remember who it was says my, my goal is not to beat the other golfers. My job is to be par. And that is the attitude that you should do. I'm a great attorney. There's other great attorneys out there, you know, but you know, here's why I'm different and why you should be hiring me and and make it a positive in a positive way. Always make sure you say prior results do not guarantee a similar outcome. Let's talk about social media right now, because social media does fall is is considered lawyer advertising, you know, subject to the rules of ethics. If you're an attorney, you should have a LinkedIn profile. And the LinkedIn profile, there's some very, very specific do's and don'ts. So for example, you cannot fill in the specialty section, there's a couple of State Bar rulings one in New York, I believe, one in New Jersey as well, that says that you cannot fill out the specialty section of your LinkedIn profile. And in fact, I believe you can do that you can actually make a disclaimer saying that,

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you know, lawyers are generally not allowed to jet to indicate they are a specialist unless they are actually certified by a a private organization approved for that purpose. If you look at the notes, by the way, on this slide, I've given you a link to a web page where you can see the list of all the organizations, certifying organizations that the ABA has approved, they actually do publish there. So you're on their website. And thank goodness, you don't need a membership to get this information. But I've given you a link to that page. If you go there, if you're not sure if you've gotten some science on a certification, but you're not sure if you're ABA certified. Look at this list. On the ABA website. If your organization is not listed there, they do not consider you to be certified by the ABA to practice a specialty. Okay, and the also the real estate that you must state that this certification is not granted by any government authority. I know a lot of tax lawyers who say that they are approved by the IRS. And they cannot do that because the IRS does not certify professionals. The only thing they do if you are what is called a there's a name for this if you are a former IRS agent, if you are an agent for the IRS for many years and you are retired, okay, you are authorized to represent clients in tax disputes before the IRS even though you are not yourself an attorney. That's the one exception that I'm aware of there. But it only applies to a very specific group of people. It doesn't apply to you, if you're just a tax lawyer and you've been practicing tax returns, if you're a CPA tax lawyer, perhaps you are not licensed by the IRS to do anything. So you

can't really say that. Okay, your LinkedIn profile may have to require certain statements. I always recommend even though you're not a New York Attorney is always a good idea to say in some states, this information is considered attorney advertising that will get you off the hook in whatever state that I'm aware of. Because some states do say that you must have the words attorney advertising in all of your online things, including your LinkedIn profile. Okay, you may blog on legal and other topics, as long as specifically it's a great way to get business. You know, I mean, I actually have a syndicated column, which I do every week, but I also make it available as a blog to 5000 people around the country. And the list grows, every time they see a YouTube video, I get another another subscriber to this thing. It's a great way to get to get to get your business out in a very ethical manner. You know, I stay away from blogs, there are blogs where people can talk about their experiences with lawyers. I personally stay away from those, but they're not considered unethical. The rules of it there's ethics opinion in New York says that you that you can participate, you know, in a thing saying we I had an experience with this guy in court, the guy was a jackass. He said this, he said that, you know, but be very careful because there are defamation laws out there and attorneys know how to sue people. Okay, especially if they're litigators. They know how to sue people. Just discretion is the better part of value. It's very personally satisfying to go after somebody that you think is unethical. But be careful. You don't want to get involved in a lawsuit from a crazy person. I mean, one of the first rules of surviving as a solo practitioner, don't do business with crazy people. If you look at my marketing stuff on YouTube, I say that in virtually everyone might be your gut is very finely tuned, if you sense that someone's a little off, or they're likely to be a crazy person, or very litigious. Send them away, send them somewhere else and them to your worst enemy in the local bar association. Get rid of them, don't get involved in someone who's a potential plaintiff. Okay? It's not, it's not worth it in the long run. Okay, here are the rules on referral networks. There are two very good New York State Bar opinions on this, which I've given you, as part of my materials, they were handed out the same day, they were handed down the same day in December of 2017.

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You can

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participate in referral services, that is not unethical. Okay. As long as the as the lawyer is selected by transparent and mechanical methods that are not unique to you. So for example, if I take out if I put post a thing on a referral service, saying that I focus on business and corporate law matters, okay. And I practice in a certain zip code, okay. That is not a solicitation of business. You know, somebody who's searching for a business, commercial or corporate lawyer within that zip code or related certain surrounding zip codes will be given my name along with five or 10 other attorneys, okay. And then they contact each attorney and we have a conversation. And if the, if the person

hires me, the referring company gets a percentage of the fee, but it's paid by the client that is perfectly ethical to participate in something like that. What's not ethical is a situation where the referring service is putting their thumb on the scale and pushing Cliff eneco ahead of other attorneys. If if the service is doing that. And for a while Evo was doing this, why you see they got they got knocked here, by the New York State Bar Association took the position that a New York attorneys cannot participate in abos legal referral service, because they were putting their thumb on the scales. And if you paid a little bit more, yeah, they would say, you know, and by the way, we say the cliff and like both, we will say the cliff eneco is a great guy, and we won't post anything negative against it, they're doing stuff like that. Be very wary, there are some very disreputable Lauria referral services out there that will actually say, wink, wink, nod nod. If you bet, if you pay 100 or $200 a year to have a page on our website, you will not get as many negative reviews as you might otherwise, what they're doing stuff like that, that is unethical that by doing by participating in that you are paying for a referral. And that's prohibited by rule 7.2. Also, to be honest with you, that's kind of like blackmail to I just, I just don't, I would not do business with any website that that did something like that. Okay, so we're almost at the end of our program. Right now, we've had two hours together. And these are just a summary of the key points. First of all, give some thought to the kind of clients you wish to serve. Don't just assume when you go off on your own, that you're going to be doing the same stuff you did you know, previously. Now, in the beginning, that probably will be the case. But don't just think that that's where you're going to end up, I will tell you right now, I've been practicing for 40 years of my life, and I am not doing any of the same things that I was doing for my clients. 40 years ago, the world has evolved. In fact, most of the things that I do for my clients today didn't even exist. In 1980, when I was admitted to the New York bar in the world has changed so much in the last 40 years LLCs they didn't even exist back then it was all corporations and partnerships. Now everything I do is LLCs. Internet law, computer law, back in 1980, there may have been a handful of computer lawyers in Silicon Valley, maybe one in New York. Now we all to some extent our technology lawyers, based on the work we do in the internet law, social media, none of this stuff existed 40 years ago, to be to survive in this and he kind of solo practice, you have to be adaptable. You have to be willing to to adapt to changes in the economy, in the market in technology in the way people do business because otherwise you end up being a dinosaur, you know, be prepared to pivot when clients ask you. One of the smartest pieces of advice I ever got came from my Italian grandmother. Now my Italian grandmother emigrated to this country at the age of 14. She had a third grade education. That's all she had. But she was very wise in the ways of the world. And one time I was complaining to her she was babysitting me and I complained to her I was like eight years old. I was you know, I was complaining about your kids picking on me because I was a little chubby, which I still am. weight control has always been a major issue. In my My wife, but I remember so I'll never forget she said this is when I was a girl in Italy, we used to have a saying, if one person calls you a donkey, you laugh. If 10 people call you a donkey, you buy a saddle. And that's probably the best advice I can give any of you on picking the right the right practice mix and picking the right clients. If all of a sudden you're getting calls from lots of people who are

asking for the same thing. Don't Don't poopoo it don't put don't turn them off. This is nature's way of telling you there's an opportunity out here, there are people looking for this particular type of service, and they're not finding them, because nobody's doing it, you should be the one to get in there and get all this business. I can't tell you how many times I have listened

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to that, that music from the from the world from the world of business from my client base, hey, Cliff, this is really in your wheelhouse, but we need a lot of my mowing, a lot of people are starting to sell on eBay and Amazon and they have very specific issues with that. That's nature's way of saying you ought to focus on that there's millions of people that right now, Amazon has over two, there are over 2 million people in the United States alone, who are making a full time or part time living selling tchotchkes on Amazon. Okay, 2 million people. Those are potential clients, for people who are willing to spend an hour or two of their life memorizing Amazon's rules of conduct for sellers, and helping them stay out of trouble with Amazon. That's a huge underserved demographic look for those things. When working from a home office be invisible. Don't put neon signs out on your driveway or stenciling your car with neon lighting saying Cliff eneco Accident Attorney don't do that that's going to get you into trouble. Sooner or later, a corporation spend at least 25% of your total time on marketing activities. Okay? There are, again, the two biggest rules, the two things I really want you to take away from this program are number one, marketing is an essential activity. It is not something that's just tangential to your law practice, the biggest mistake that a lot of lawyers make is they get so involved in taking care of their existing clients, that they that they don't spend enough time on their marketing so that when those clients dry up and disappear, they've got nothing else to fall back on. You got to be constantly trolling for new business, no matter what you're doing. And you should be spending at least 20 to 25% of your total time doing that. The second thing that I want you to take away is that while the rules of ethics are important, and you must comply with them, please do not interpret anything I've said in the last two hours as you can play fast and loose with the rules of ethics. I am not saying that, you have to take them seriously. You have to know them, you have to know them intimately, especially the article seven rules 7.1 to 7.5, that deals specifically with lawyer advertising, you must memorize them and commit them to memory, you got to know them better than anybody else does. Because by looking at them closely, you'll see where the loopholes are, do not look at the rules of ethics as a prison or as an obstacle. Okay, the rules of ethics are your friend, read them closely. And you will see like you would any statute or regulation, and you will see that they really permit you to do a lot more than you think they do. I'm just a surface superficial reading all of my entrepreneurial clients. And when you're in a gray area, okay, that's a good thing. If you're in a gray area, because it means you have at least some plausible deniability that what you are thinking of doing is actually Okay, my entrepreneurial clients all say the same thing. They say, I would rather beg for forgiveness, than ask for permission. Because if you ask for permission, if you ask your State Bar Association to issue an ethics opinion, on this gray area situation that you're in

nine times out of 10, they're going to take the most conservative position possible. And they're going to say that you really shouldn't do it. And when you when they've done that, now you're blocked. Now you can't do anything because it's an ethics opinion and squarely on point that says you can't do it. Whereas if you're in a gray area, chances are it's probably mostly okay. As long as you as you deal with the situation respectfully and professionally, it probably will be okay, because no one will think to complain about it. So my advice is, the rules of ethics are important. But they're not a prison. Don't ever fall into the trap of saying, well, I can't really mark it at all, because the rules of ethics won't let me because that is absolutely not wrong, as you've learned on this program, and especially if you read the notes and look at some of the sources I cite in this presentation. There are lots and lots of things that you can do, and you can be creative, and you can be entrepreneurial, and entrepreneurial and no one is going to say anything at all about that. So that is all I have to say. For those of you who want more information. I have a whole YouTube channel. Like I said, I actually have a six part video it's a six one hour videos step by step how to begin to start and run a small business including a solo law practice, although again, these programs do not qualify for MC Li credit. I also make it available was a DVD on one of my websites, you know, send me some money and I'll send you actual DVDs which you can listen to, you know, but but by also check out my YouTube channel have a lot of interesting stuff up there that you won't hear anywhere else. I am the author of several legal treatises for Thomson West, those of you who are dealing with small businesses and entrepreneurs, I've actually written some of the leading forms guides. For those if you are looking for if you are representing small businesses and entrepreneurs, and you're looking for a forms library, my books are considered among the leading things that are out there. And they're all available from Thomson West. And here's the link where you can find out more of those. And here's what I look like. This is my professionally photo, my professional photo,

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no airbrushing or anything like that done here, no Photoshop, this is what I look like on a good day. Yeah, I need to lose some weight. But that is what I look like. And this is how you can reach me if you have any further information. Or if you want to know a little bit more about some of the crazy stuff that that I'm involved in. So thank you for listening, we're at exactly to two hours. It's been a pleasure to do this program for LexVid. And I wish all of you a lot of luck in your practices. Never let a lack of knowledge, experience or talent get in the way of your success. Lord knows it has never stopped me in the 40 years that I've been practicing law. And by following that rule of advice to them to the letter, you may just someday be President of the United States of America.