

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm



Full Episode Transcript

With Your Host

John E. Grant

[The Agile Attorney](#) with John E. Grant

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

I'm the first person to admit I am not a marketing expert. And you've heard me say before that every law practice has three high-level pipelines, getting the work, delivering the work, and getting paid. And I'm pretty clear that my core competence lives squarely in that delivering the work pipeline.

But recently, one of my clients experienced a slowdown in new work coming into their practice. And as we dug deeper into what was happening, I noticed something interesting. The same principles that made their delivery system so strong, the ones we'd spent months building, were far weaker or, in some ways, completely absent in their business development system.

They had clear intentional processes for how work moves through the firm once it arrives, but almost no intentional process for how work arrives in the first place. And that mismatch set them up for what last week's guest, Radhika Dutt, would call strategic swelling, that fear-driven urge to do everything at once when new leads start to dip.

In today's episode, I'm going to talk about what happens when your marketing lacks the systems thinking that your operations rely on. And I'll share some ideas around how to fix it.

You're listening to *The Agile Attorney Podcast* powered by Agile Attorney Consulting and GreenLine Legal. I'm John Grant, and it is my mission to help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve.

Ready to become a more Agile Attorney? Let's go.

Hey, everyone. Welcome back. So this week, I'm inspired to talk about one of the things that Radhika Dutt brought up last week in our conversation around radical product thinking.

And you may recall when she was talking about what she refers to as product diseases, one of the ones that came up was strategic swelling,

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

which is this idea in the product context of trying to expand your product, right? Or in the case of law firms, your products and services, to meet ever-increasing customer needs that wind up taking you away from your core focus, your core vision, your core competence, to the point where you're trying to be that sort of jack-of-all-trades and master-of-none for the clients that you serve.

And, you know, as you'll probably recall, and you've heard me talk about before, I'm a big fan of specialization. I think niches make riches. From an operations standpoint, it's just abundantly clear to me that the more you can focus on solving a particular subset of problems, a smaller subset of problems, the more you can introduce tools and practices and even sort of training of your people that really wind up making the operations of your practice more effective.

But today I want to talk about strategic swelling in a slightly different context, and that's marketing strategy. And, you know, as you probably know, marketing is not my core wheelhouse. I have talked about before this sort of high-level framing I have, that there are three high-level sort of pipelines in a law practice.

There's the getting the work pipeline, there's the delivering the work pipeline, and there's the getting paid pipeline. And, you know, I consider my expertise to be pretty squarely in the delivery pipeline, right? That's where a lot of the process improvement and operations improvement comes in. But I obviously have to touch both the getting the work pipeline and the getting paid pipeline because they don't work independently of each other. They work in concert with each other.

And in fact, one of the things I often say about the work that I do is my goal for my work with my clients is that we are so good at improving the flow of work through your delivery pipeline that we create a marketing problem. And that's kind of what happened with one of my firms that I work with recently.

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

And to give you a little background, I've been working with this firm for a little over a year, and we started with the way I always like to start, which is a in-person process improvement training and workshop to really get the people on the team aligned around just the fact that process improvement can happen and then some of the tools around it.

And then over the course of the last year, we've worked really hard and they've invested a ton of their own internal time and energy, and obviously they're paying me, and we've done a lot of work with software tools and other things to really get their operations dialed in. Among other things, because we were able to get the processes so well-defined, it also gave them the ability to really effectively expand the size of their team.

And so this is a firm that has been growing rapidly both in terms of their headcount and in terms of their case count. And obviously, they wouldn't be able to do that if the demand weren't there, if there weren't a market for the kind of work that they do. But of course, one of the things that happened, and anyone that has grown a firm, especially the headcount in a firm, will recognize, is that as you grow that headcount, your expenses go up and therefore you need a higher volume of cases to make it all work.

And I would say in the early going of this practice, they were capturing a lot of fairly low hanging fruit in the marketplace. They were filling a need in the community that wasn't being well served by the existing alternatives, mostly other law firms, but other alternatives as well. And so they were able to capture a lot of the latent market for this particular legal need and maybe even steal some of the existing market share from other providers that weren't doing a very good job at meeting this particular legal need.

What they didn't have and what they didn't really need to have in those early days was a cohesive marketing strategy. Just the fact that they existed and sort of got around with some word of mouth, they were doing some other things. I think they had subscribed to a lead generation service, so they were getting a few leads through that. They had some professional

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

networks, and so some word of mouth, some other attorney referrals, things like that were generating some business for them as well.

And then I think they had done a little bit of work on their website and SEO, although they have improved that a lot over the course of the last year, although maybe not in the right direction, which I'll talk about in a second.

But as you can probably see, right? The existing demand obviously gave them the confidence to expand the size of their practice in terms of headcount. They were able to capture more and more of those cases in order to help the people that needed the kind of help that they provide, but the costs went up.

And so the other thing I think that came into play is because they didn't really have this cohesive marketing strategy, they knew the work was coming in, but they didn't always know where it was coming from or why it was coming in.

Now, the one other thing that I think is useful context is the two partners in this firm are relatively new law firm owners. They're not new lawyers, they are pretty experienced, but this is their first long-term go at running their own legal business as opposed to just having a law practice. And that's important for the next thing that happened or sort of that sparked this activity that I've been doing with them or working on with them around marketing strategy lately is they all of a sudden had a lull in new leads and new intakes.

Now, anyone that's had a legal business for any length of time or a law practice where you're sort of close to the intake function knows that these things just happen, right? There is a certain amount of randomness in the world that maybe it's seasonal, maybe it's cyclical, maybe it has to do with political climate or economy or whatever, who knows what. But sometimes these lulls just happen, just like sometimes these surges happen as well.

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

But when you're a small business and when you're new business owners and when you're new small business owners who have just made pretty significant investments in personnel costs, those lulls can be really scary. And I don't want to diminish the extent to which those lulls can be scary, right?

I think even for people that have a lot of experience, when those lulls come in, they're like, okay, am I going to ever get another case again? It hits this very real sort of visceral fear pathway that I think is just normal part of the human condition.

What happened next with these owners, though, I've kind of likened it to the cold water gasp reaction that people have when they, you know, jump into a cold lake or a cold swimming pool or whatever, where, okay, this lull happened and they had this almost involuntary kind of freak out, where they all of a sudden said, oh my God, we have to be doing so much more marketing. And they just went crazy with basically throwing spaghetti at the wall.

And as I've joked with them, I'm not even sure that spaghetti was cooked. I don't think it was going to stick to anything, but they just felt like they needed to engage in activity. And so that's what they did.

And this is where the strategic swelling comes in. So by my count, as we sort of diagnosed after the fact what had been going on over the span of a relatively short amount of time, I'm talking like two months, this firm had tried at least eight different marketing strategies trying to bring in new work, but it didn't have really a realistic or an intentional strategy about very many of them.

There were some that they did, but most of them were a little bit spray and pray. Now, the ones that were working, right, they had subscribed when they first started their practice to a lead generation service, and that lead generation service kind of works. It doesn't necessarily bring in the best

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

leads. It doesn't necessarily bring in the most reliable quantity of leads. But over the long term, I would say it has been at least moderately successful in helping the firm get new clients that are close enough to who they're looking for.

The other thing that they were doing that I think was intentional although ultimately to me at least a little disappointing is they engaged one of these legal marketing firms and I'm not going to name them partly because I'm not crazy about how they wound up behaving and I claim a little personal responsibility for this because this was a referral from me.

And this attorney marketing firm, they did help the firm build a new website and it is an SEO-focused website, which I think is a good thing. It's got some cornerstone content around some practice areas. But where it fell short, I think, is that at no time, at least as best as I can tell, did this marketing agency work with the firm to develop anything close to what I would call an ideal client profile and an ideal customer profile, right?

They didn't really try to get to who are we trying to reach with these marketing efforts. They kind of focused it on the practice areas that the firm practices. And then the agency made a bunch of assumptions, probably based on work they've done with other firms and other regions that also do these practice areas about what the content should be. But this firm has kind of a niche, right?

They are not the generic firm in their particular marketplace. They are specialized, but at no time, again, at least based on what I can see, did the marketing agency actually try to wrap their heads around and then speak to the specific needs of that specialization and the types of clients that need that specialization.

The third thing that they were doing that I think was maybe not along the lines of a true strategy plan, but at least they had some intentionality around it, was networking. And I would say there's maybe two forms of

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

networking that they were doing. Certainly personal networking, mostly to other attorneys to make them aware that we're doing this specialty. And then also a little bit of group networking or maybe even educational content. One of the two partners in particular is pretty well known in their legal community for a certain type of work.

And so that partner can give CLEs or other sort of talks that help reinforce what other attorneys need to know, and then helps keep this attorney top of mind as a referral when they encounter clients that need that kind of work.

But then there were these other strategies, right? This sort of part of this gasp reaction I described, where once they started to see that their new intakes were starting to slow down, their new leads were maybe slowing down a little bit, they just started doing stuff kind of for the sake of doing stuff.

And I'll give you just a few high-level examples. Number one, they bought the list of their entire state bar and kind of spammed the bar. And they spammed the bar with what I would consider to be a pretty vague message about the kind of work they were looking for. It was a sort of a hello world, we exist type message, but it wasn't clear to me that it was uniquely designed to produce a result. It was really just sort of, hey, here we are out doing this thing in the world.

The other thing they did that was almost completely unrelated to the first thing is they ran a direct mail, sort of a postcard campaign that was sending a postcard directly to people that they thought would be the type of client that would want to hire them for the work that they do. So a direct to consumer type marketing activity.

But here too, it was kind of spray and pray, right? They didn't really have a clear call to action. They weren't necessarily trying to use their marketing message to solve a problem that those people might have. It was really a, here, we exist, we do this kind of work. If you need this work, please call

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

us. If you know someone who needs this work, please call us. That's fine as a marketing message, but it's not a very sophisticated one.

And then, you know, when I caught wind of this, and again, marketing's not my core thing, so I wasn't really aware that some of this was happening in terms of my, you know, coaching consulting relationship with them until fairly recently, but they also had already gone pretty far down the path of a couple other channels.

One of them was print advertising in their state bar magazine, and the other was online advertising through Google. So a PPC campaign, something like that. They had not yet pulled the trigger on that, thankfully, because again, they didn't really have a strategy for what they were trying to do with those campaigns. They knew they needed marketing, which I think is correct. They knew they wanted to try to fill the gap, but there was no, I keep using the word, intentionality around it, right? It really was this sort of random acts of marketing because my gosh, we have to do something.

And so as I started talking with them and working with them about this problem, my first question is, do you have a marketing strategy or do you have a marketing strategy plan? Like, what is it that you're trying to accomplish? I mean, obviously we want to get leads, but what kind of leads from what places, what types of clients are we looking for? What's the kind of work that we're helping with? All of those things.

And the answer was, no, not really. We don't have that plan. And so I kind of draw this as the distinction between having good intentions and having a plan. Again, I actually take a little, or I feel a little responsibility for this because this is something that I just assumed that the marketing agency that I referred them to would do with them. It's a little bit crazy to me that this isn't something that was part of their normal onboarding process.

And I don't have a lot of experience, I guess, with these folks. I am going mostly based on either the people that I know or what people tell me. And I

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

don't know, there's a lot of good enough services, I guess, out in the world that aren't necessarily great or don't necessarily meet the standards that I would try to set. And certainly I do try to set for my work with my clients.

And so maybe partly because it was a need, partly because I do feel this little bit of personal responsibility around it, I've spent a pretty hefty chunk of my own time over the last few weeks working with this firm to build a marketing strategy plan.

And in the course of doing that, we've gotten really clear about their ideal customer profile or ideal client profile, this ICP that I mentioned earlier. We came up with three and I won't talk necessarily about who they are, but for their core practice area, they actually do have an ancillary practice area as well. And we came up with a different subset of ICPs for that ancillary practice area.

Although also part of the strategy plan was holding open the question of whether that ancillary practice area is something they should invest in or not because their core practice area is pretty financially successful when the work is coming in, the ancillary practice area is slightly less so. It's also successful, but if you're gonna invest a dollar in one or the other, my gut tells me, and based on the numbers that I've seen for this practice, that we want to invest that dollar in their core practice area.

Another thing that we did that I think can be really valuable, especially for law practices, is we came up with ideal referral partner profiles, or what we were calling IRPs. We kind of made-up a term that doesn't really exist in core marketing strategy. But this idea that for the most part, the kinds of people who have the problems that this law firm solves, isn't going to turn first to a law firm to solve this problem. They're gonna turn first to other trusted advisors, or other types of people, other professionals who are often going to be the first to hear, the first to know about people who are experiencing this particular kind of problem.

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

And I've been vague about the practice area of this firm intentionally. I don't want to kind of out them, but this is something that I see in a lot of different practices, right? If you're in family law, often the people who hear first about a potential divorce, they might be close friends, they might be family members, they may or may not refer you, right?

They're not necessarily professionals, but it could be mental health professionals, it could be clergy or religious advisors, it could be financial planners, other people where when someone is starting to think about a divorce, they might start socializing it or trying to get information about it from people that they're already turning to for advice in their lives. And divorce lawyers are usually not among that crowd.

Same is true with estate planning or estate administration, right? Financial professionals, wealth counselors, things like that, often a really, really good set of professionals that are going to be the first line of defense or the first to know when the target client of a law firm actually has the kind of problem that that law firm is going to solve.

And so without beating it to death, we came up with some really clear profiles for who these likely referral sources are for the kind of work that this firm does. From there, we kind of looked at all of the various marketing channels, what I think of as sort of sub-strategies, that this firm has used or considered using in the last year. And I think we counted at least eight.

And we did some really intentional thinking and hypothesizing, right? We don't know for sure, but we identified three channels that we think are the ones that are gonna produce the best return on investment for a few different reasons, right?

One of them was website and SEO content. And the reason that we picked that as one of our top three isn't necessarily because we need it to perform as a lead generation tool in and of itself, but because it's the kind of channel that reinforces and makes more effective the other channels. So if

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

you're gonna do e-mail marketing, you often will want to refer people to a landing page or a lead magnet, some form of free content or other things on the website in order to reinforce the e-mail message.

Same thing with a print ad or a direct mail campaign or even individual networking, right? When you're talking with a potential referral source or even a potential client, one of the first things they're gonna do is Google you and check out your website and make sure that number one, you exist and number two, that you seem to be saying the kinds of things that resonate with them.

So website content, SEO content, content marketing more broadly really did need to be one of the top three that we were talking about. But again, when we looked back at what their existing vendor has been doing around creating content, number one, they're not speaking to the right audience. And so, you know one of the frustrations, and I'll kind of go back a couple of steps, one of the partners was extremely frustrated with the tone and sort of style, the voice of the content that their marketing agency was helping them produce.

And ultimately what we realized, the frustration was that the marketing agency was writing these very simplistic sorts of articles that explain the practice area in a very 101 sort of way. But this firm wasn't actually looking for those 101, for those basic clients, right? They've got a slightly more advanced user.

They tend to skew to a more educated audience, typically a wealthier audience, although those two things don't always overlap, but it was enough of a gap where I think the partner had a very legitimate concern that if their ideal profile client or referral partner came and read the content that was getting put on their website, they were gonna think, oh, this isn't the right firm for me. This firm handles much simpler problems than I have. I need a sophisticated firm. So there was this mismatch.

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

The other gap we identified is that there was almost nothing on that website that was speaking to potential referral partners. Everything was written through the lens of what the firm might do for a customer, for a client, and again, probably the wrong client.

So we have identified as part of our content generation strategy for the website, the need to create some good cornerstone content around not just the more sophisticated client that they're actually looking for, but the sophisticated referral partners that are the people who are likely to be those first lines of defense, right? Those first to know people that are gonna be able to steer their client or their associates, right, people in their world that they wanna do a good thing for and steer them to this firm for this particular type of problem.

The other two strategies we landed on as being really core to the sort of short to medium term efforts of the firm, and I won't go too deep into these as much, but one of them is to be way more intentional about professional networking, right? I think they'd been doing it, but they'd been doing it in this kind of organic way, right? It wasn't really following a plan or a strategy.

And so we have now come up with a specific networking plan that is going to ideally put one or both of these partners in front of anywhere from four to six people every month that sort of fit one of these ideal referral partner profiles that we've identified. So that's taking them to lunch, taking them to coffee, maybe scheduling phone calls or Zooms, but getting with them and not just having like, hey, send work to me meetings, but really trying to get to know them, to understand what are the things in their lives that they're trying to solve.

What are their existing referrals that they give when they encounter people that are experiencing this kind of problem. I often treat this as sort of a little mini retrospective when I'm trying to do this work or when I'm suggesting to my clients that they do this type of work. Don't take someone to lunch and sit there talking about how great you are the whole time, right? Take them

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

to lunch and exhibit like genuine curiosity. Try to get to know them. What do they care about for the clients they have or the types of people that they work with?

Again, when they encounter this type of problem, what are the current things that they do? Where do they refer people right now? What works well about those referral partners that they have? And then what doesn't work well? What are the shortcomings? And then I often suggest asking sort of the magic wand or the silver bullet question, which is to say, you know, if you could invent the perfect referral source for this type of problem, what would it look like? What would it be to you?

And then of course, genuinely listen, because I think the things that you'll learn from having those types of conversation are way, way better than you just sort of sitting down and trying to tell someone else how great you are without having the context of what they need and what their customers need or their clients need.

The third strategy, just to sort of round it out, was a very specific e-mail marketing campaign primarily focused on these referral sources, although also generating a list or trying to build up an e-mail list of potential target clients or customers as well.

But really, instead of just sort of having a spray and pray approach or saying, yeah, we're gonna buy a list and start shooting all these emails to people, a strategy around really creating content that's gonna resonate, lead magnets, eBooks, giveaways, webinars, whatever it happens to be, that is gonna be genuinely useful to the types of people who are either having these problems or have clients of their own or associates of their own who are having these problems and just educating them, right?

Making them a little bit smarter, building e-mail lists around those different groups and then being able to use e-mail marketing to reach them on a

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

regular basis, give them good quality educational content that not only is helpful to them, but obviously also helps keep the firm top of mind.

So that's what's in the plan. There were these other, like I said, I think five strategies, maybe more, that the firm was thinking about doing that because we now have a documented plan, we're able to really clearly say, you know what? We're not doing that right now. We're not buying ads in the bar journal. We're not gonna do direct mail.

They were prepared to actually spend pretty good money on both of those things if they thought it was going to produce results, but they didn't know, right? They were, again, sort of through this gasp reaction, they were feeling desperate to generate leads and they were willing to sort of try whatever they could think of in order to generate those leads. And by taking a step back, again, defining these ideal profiles, coming up with a clear strategy, we're able to now also say, you know what? Direct mail is in our future. We have a plan for how we might approach direct mail, but direct mail isn't what we're gonna do right now.

In fact, one of the things that is a big part of the plan is we're really sticking to these three core areas in part so that we can generate feedback loops around them, right? We want to measure our initial efforts, we want to see what we learn. We've made some assumptions, we've articulated some hypotheses around what we think will happen when we do this work, and we need to check back, right? This part of the Deming cycle, right? Build, measure, learn, plan, do, study, adjust. We need to come back and see, okay, this thing that we tried, how did it perform against our hypothesis? Did it work better? Did it work worse?

What can we learn from these early efforts so that we can now make adjustments that are going to allow the next round of efforts to be better and then better again? And ultimately you wind up in this continuous improvement cycle where, you know, in the perfect world, we know that you're gonna get a steady stream of leads coming into the firm that are

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

more or less the kind of people you want to work for who have the kind of work you want to do.

So I'm mostly gonna leave it at that. I did, since I said in the early part of this episode, this is something I'm also experiencing in my own software business, GreenLine. We had something very similar happen where one of my co-founders is feeling a lot of urgency around engaging in marketing activity, and I appreciate that but we sort of had the recognition as the three co-founders that none of us was a native marketing expert.

And so we have engaged in a marketing firm and it's early, but so far so good. And actually they've helped us sort of build a marketing strategy plan and some ideal customer profiles. And we have a direction, right? We have some things we're gonna do. They're gonna be helping us with this.

But just in a recent conversation with my GreenLine co-founders, the one of us that is skewed towards wanting to do marketing said, hey, we should really think about doing this particular social media thing. And the other partner was able to say, you know what, that's an interesting idea, but it's not part of our plan for the next three months, right? We have a plan, we're gonna stick to the plan.

And so in terms of operational efficiency, in terms of, again, getting back to what I think Radhika Dutt is talking about in her radical product thinking approach, The great part about having a strategy plan that is an explicit plan is you know what your strategy is and you know what it isn't.

And it helps you avoid this sort of strategy swelling that she talks about where it's like, oh, we're gonna try this thing and then try this thing and then try this thing. No, we have a plan. We're going to stay inside of these guardrails for now. We're going to see what we learn from it and then we can talk about a social media strategy or whatever else we might need to do.

Ep #99: Stop Random Acts of Marketing: Build an Intentional Strategy for Your Law Firm

Okay, that's it for today. Thank you as always for listening. If you have questions, please e-mail them to me. You can reach me at john.grant at agileattorney.com.

As always, this podcast gets production support from the fantastic team at Digital Freedom Productions and our theme music is Hello by Lunara.

Thanks for listening and I will catch you next week for episode 100, which is hard for me to wrap my head around, but hopefully it'll be a fun one.