

## **MARKETING AND BUSINESS DEVELOPMENT: CRUCIAL SKILLS**

Marketing and business development are separate but related skills. The purpose of marketing is to promote your practice and attract clients. Business development tries to retain existing clients and expand your practice.

### **Marketing- Attracting Clients**

Marketing begins with discovering who are you and why potential clients should pick you over any other lawyer. How do you want to be perceived? Who are your target clients? How do you want to deliver legal services?

Once you know the answers to these questions, you can establish a “brand” and create a strategic marketing plan with specific goals. Present yourself and your brand consistently when promoting your practice: through your logo design, in your business card, on your website, and in any advertising. Refer to the marketing checklist, marketing worksheets, and sample marketing plan provided on the PLF website at [www.osbplf.org](http://www.osbplf.org).

### **Business Development- Retaining Clients and Expanding Your Practice**

Business development is the retention of clients and creation of new business through referrals and cross-selling of legal services. What steps do you take to encourage new business or referrals from satisfied clients?

- Do you conduct a follow-up survey when you close a client matter to find out how well your client was served by lawyers and support staff?
- Do you send thank you letters at the end of an engagement enclosing two business cards and asking the client to save one and pass the other along to someone they believe could benefit from your legal assistance?
- Do you take advantage of business development opportunities at CLEs and local bar events?
- Do you have an organized system of tracking referral sources?
- Do you consistently devote time to staying in touch with referral sources?
- Do you inform existing clients of other legal services available through your firm?

A business development goal-setting checklist is provided on the PLF website at [www.osbplf.org](http://www.osbplf.org).

### **The Financial Viability of Your Practice Depends on These Crucial Skills**

Marketing will increase your visibility and help attract clients. Your reputation as a good lawyer, combined with business development efforts, will keep clients coming back and generate new referrals. Both are critical skills to ensure the financial viability of your law practice.

To get started, review the Oregon Rules of Professional Conduct and Oregon Formal Ethics Opinions. A list is below. Also included are articles, blogs, books, and podcasts that can help you develop cost-effective marketing and business development plans. Seek input from mentors and ask colleagues for suggestions and further resources. See the marketing and business development checklists, worksheets, and sample documents available on the PLF website at [www.osbplf.org](http://www.osbplf.org).

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### Oregon Rules of Professional Conduct (ORPCs)

[The ORPCs provide these specific guidelines:](#)

1. Rule 1.5(d): Division of fees between lawyers
2. Rule 5.4(a): Sharing legal fees with a nonlawyer; bar-sponsored or not-for-profit lawyer referral program fees
3. Rule 7.1: Communication concerning a lawyer's services
4. Rule 7.2: Advertising
5. Rule 7.3: Solicitation of clients
6. Rule 7.5: Firm names and letterheads

TIP: Save an up-to-date copy of the ORPCs as a PDF on your computer or link to [Legal Ethics Assistance on the OSB website](#) where you can read the ORPCs, Formal Ethics Opinions, and Bar Counsel Articles that have appeared and continue to appear in the *Oregon State Bar Bulletin*.

### Oregon Formal Ethics Opinions

- [2005-2: Information About Legal Services: Cross-Referrals, Office Sharing with Nonlawyer](#)
- [2005-3: Information About Legal Services: Disseminating Information Through the Media or through Speeches](#)
- [2005-12: Firm Names: Office Sharing with Separate Practices](#)
- [2005-16: Communicating with Unrepresented Persons](#)
- [2005-25: Fee Agreements: Suspended and Disbarred Lawyers, Fees and Division of Fees](#)
- [2005-35: Information About Legal Services: Greeting Cards and Open House](#)
- [2005-44: Conflict of Interest, Current Clients: Part-Time Nonlawyer Employees](#)
- [2005-56: Impartiality: Gifts to Judges](#)
- [2005-58: Information About Legal Services: Publicizing Lawyer's Relationship to Independent Business](#)
- [2005-65: Listing of Nonlawyer Personnel on Firm Letterhead](#)
- [2005-73: Information About Legal Services: Acceptance of Referrals](#)
- [2005-101: Unauthorized Practice of Law: Lawyer as Mediator, Trade Names, Division of Fees of Nonlawyer](#)
- [2005-103: Information About Legal Services: Multistate Law Firm, Advertising Availability of Out-of-State Lawyer](#)
- [2005-106: Information About Legal Services: Purchase of Tax Preparation Business or Private Law Practice](#)
- [2005-107: Unauthorized Practice of Law: Producing General Legal Information Tapes](#)
- [2005-108: Information About Legal Services: Dual Professions, Yellow Pages Advertising](#)
- [2005-109: Letterhead Listing an Out-of-State Law Firm as "Associated Office"](#)
- [2005-112: Information About Legal Services: Distribution of Brochure by Welcoming Program and Participation in Health Club Services Program](#)
- [2005-137: Unauthorized Practice of Law: Joint Venture to Produce Interactive Legal Information System](#)
- [2005-138: Prospective Clients: Legal Aid Service Referrals to Private Lawyers](#)
- [2005-153: Information About Legal Services: Insurer-Employed Lawyers' Firm Name](#)
- [2005-155: Conflicts of Interest: Multiple "Of Counsel" Relationships](#)

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- [2005-164: Communicating with Represented Persons: Contact Through Websites and the Internet](#)
- [2005-168: Lawyer-Owned Lawyer Referral Service](#)
- [2005-169: Information About Legal Services: Firm Names—Retired Partner Mediator](#)
- [2005-175: Information About Legal Services: Lawyer Membership in Business Referral Clubs](#)
- [2006-176: Conflicts of Interests: Lawyer Functioning in Multiple Roles in Client's Real Estate Transaction](#)
- [2007-179: Trial Publicity](#)
- [2011-183: Scope of Representation: Limiting the Scope](#)
- [2011-184: Confidentiality, Conflicts of Interest: Consulting Between Lawyers Not in the Same Firm](#)
- [2013-189: Accessing Information about Third Parties Through a Social Networking Website](#)

### Oregon State Bar Bulletin Articles- Ethics

(<https://www.osbar.org/publications/bulletin/archive.html>)

- Advertising and Social Media
  - [Public Comments: The Ethics of Online Blogging, Posting and Chatting by Lawyers – July 2018](#)
  - [Get Up to Speed: Is it Past Time to Reinvent Your Website? – June 2014](#)
  - [Treating Clients Well: Happy Clients Are Your Best Marketing Tool – May 2014](#)
- Scope of Practice Issues: Unbundling, Multidisciplinary Practice, Federal Practice
  - ['Unbundling' Legal Services: New Trial Court Rule Supports Access to Justice – January 2018](#)
  - [Not So Impractical: Ethics Considerations in Limited-Scope Representation – October 2016](#)

### Oregon State Bar Bulletin Articles- Marketing

(<https://www.osbar.org/publications/bulletin/archive.html>)

- [The Many Features of Outlook: Tools to Enhance Your Practice - February/March 2013](#)
- [New Year, New Plan: Marketing Tips from the Pros - January 2013](#)
- [Sorting Out Social Media: Tools & Etiquette - April 2012](#)

### Getting Clients Through Oregon State Bar Referral Programs

[Oregon State Bar Lawyer Referral Service](#): The Oregon State Bar Lawyer Referral Service (LRS) can play a valuable role in your marketing efforts. The program serves lawyers and the public by referring people seeking legal services to lawyers who will accept referrals. LRS referrals are based on territory – there are 16 territories throughout the state. One territory – your home territory – is included in the basic registration fee. Your home territory is determined by your primary office address. Lawyers may register for referrals statewide or for additional territories. Attorney panels are organized for administrative law, bankruptcy, business and corporate, criminal law, debtor/creditor, family law, general litigation, intellectual property, international law, labor and employment, real property, taxation, wills & trusts, and workers' comp. For terms of service, registration fees, and other costs visit the OSB website at [www.osbar.org](http://www.osbar.org).

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[Oregon State Bar Modest Means Program](#): There is no cost for lawyers to participate in the Modest Means Program (MMP). The MMP is a reduced-fee referral panel designed to help lower and moderate income people ineligible for legal aid gain access to legal services. The Modest Means Program is only available for family law, criminal defense, foreclosure, and landlord/tenant matters at the trial court level (appeals are not covered by the program.) For more information on MMP referrals, including attorneys' fees that may be charged, visit the OSB website at [www.osbar.org](http://www.osbar.org).

[Oregon State Bar Military Assistance Panel](#): The Military Assistance Panel is managed by the LRS. Oregon attorney panelists provide Oregon deployed service members and their families with legal services, such as advising on the Servicemembers' Civil Relief Act (SCRA). Lawyers signing up for MAP will be trained to provide legal assistance (primarily relating to the SCRA). Panelists can also agree to assist with consumer/credit law, estate planning, family law, and real property/landlord-tenant law. Panelists are expected to provide at least one hour of counseling pro bono with each referral. It is up to the lawyer and client to decide whether to continue the lawyer/client relationship beyond the pro bono consultation. For more information on MAP referrals, visit the OSB website at [www.osbar.org](http://www.osbar.org).

### Marketing Research

- Hourly Rate and Economic Surveys Conducted by the Oregon State Bar ([Oregon State Bar Economic Surveys](#))
- Oregon Secretary of State Audit Reports ([Oregon Secretary of State Audits](#))
- Oregon Blue Book ([Oregon Blue Book](#))- Contains data regarding: Agriculture; Arts/Culture; Children and Family; Consumers; Disabled Citizens; Environment/Natural Resources; Genealogy; History; Justice/Crime; Kids; Land Use; Legal Research; Licenses, Permits and Registrations; Medical/Health; Minorities and Women; Parks and Recreation; Real Estate; Science/Technology; Senior Citizens; Taxation; Tourism; Transportation/Roads; Vital Records; Weather; Workers/Labor.

### Other Resources On Marketing

The [American Bar Association Law Practice Division](#) publishes the bi-monthly [Law Practice Magazine](#) and [Law Practice Today](#), a monthly Webzine. Both feature regular articles on marketing and business development. The ABA Law Practice Division also publishes books on [Professional Development](#).

- [Duct Tape Marketing Blog](#) by John Jantsch.
- [Law Firm Web Strategy Blog](#) by Steve Matthews, Emma Durand-Wood, and Rob Wilson.

### IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. © 2021 OSB Professional Liability Fund.