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Strategies for small-firm success in a down economy

by [Michelle Lore](#) Associate Editor

Communication is key to getting paid, getting referrals

Happy clients are paying clients, according to California attorney Ed Poll, a nationally recognized author and lawyer coach.

Poll, whose "Coach's Corner" column regularly appears in Minnesota Lawyer, was in Minnesota last month, courtesy of the Minnesota State Bar Association's General Practice, Solo and Small Firm Section. Poll came here to give small-firm lawyers valuable advice on how they can succeed and even thrive in this troubled economy. A key element in that success is to maintain good relationships with your clients, Poll said.

Not only will satisfied clients pay your bills, but they will also come back for more business and steer other potential clients your way, Poll said.

Eden Prairie solo Jay Simpson said recommendations from former clients are vital to small-firm survival, in good times and in bad.

"Certainly customer satisfaction is key, because word of mouth, at least for most smalls or solos, those kinds of referrals are golden," he said.

Communication is key

Maintaining communication with clients is the best way to maintain good relationships with them — something that all too many lawyers seem to forget.

According to Poll, especially in today's economy, attorneys need to refine, hone and improve their skills in communication.

"One of the things that is still true about the legal community is that our communication skills suck," he said, pointing out that the No. 1 complaint against lawyers continues to be their failure to return phone calls. "It always amazes me — and lawyers are not unique in this — how people expect to get business when they don't return phone calls."

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Bloomington personal injury attorney Steven Terry, who works in a firm with six other lawyers, said that at his firm, an attorney, a paralegal and a secretary are assigned to each case, and at least one of them touches base with the client every 30 days. The firm gets a lot of referrals from current and past clients who appreciate the contact they get from the firm, he added.

"Not only do we return phone calls, we actually try to proactively call them ... to answer questions before they come up," Terry said.

Terry acknowledged that it can be time consuming, but said that it's worth it in terms of client satisfaction.

"If you talk to them and let them know how things are going as you go, you build up trust so when you call them with good or bad news, they trust you," he said.

Minneapolis solo attorney Todd Murray said that while there may be some aspects of a case that lawyers can't

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control, they can control how they treat their clients.

"There's an increased need for exceptional customer service right now ... to keep the clients I have and hopefully generate some referral business," he said.

Bloomington immigration attorney Vince Martin is going one step further, making an effort to maintain good communication with prior clients.

"One of the things I am doing is making a conscious effort to touch base with former clients, either with reminders for future legal work — if their case requires it — or to simply keep my name in front of them for top-of-mind awareness," he said.

Billing and collection

Billing and collection are other areas in which attorneys need to maintain good communication with clients.

Poll stressed the importance of sending out accurate, complete and clear billing statements because an attorney is more likely to collect on a bill the client understands. He also pointed out that clients who don't pay the first few bills aren't likely to pay them later either and suggested terminating the representation early on.

Some lawyers allow clients to ignore their obligation to pay because they like the client or they want to help the client, Poll said. But the attorney will become resentful at some point, which will only lead to more problems.

"It's the first step on a slippery slope to malpractice, because if they begin to ignore the client, they'll ignore the file," he said.

To help combat the problem of not getting paid, Edina immigration attorney Robert Webber said he's become more selective in choosing clients.

"I don't want to represent people who themselves are having a hard time making ends meet and can't afford to pay me in these tough times," he said. "Worse than being slow with nothing to do is being busy and doing work that is not compensated."

And don't be afraid to raise billing rates when it's warranted, attorneys said.

Simpson said that by refusing to raise rates when it's appropriate, attorneys are simply giving up potential income.

"That's a little counterintuitive when times are bad," he acknowledged. "[But] your rates should go up in good times or bad if the marketplace supports it."

Increase efficiency

Small firm attorneys offered other ways to survive the tough times as well.

Mankato attorney Jason Kohlmeyer said the best thing a small firm can do right now is increase efficiency, which could mean making checklists and flow charts, automating forms or keeping lists of commonly called numbers. He said that in the last two months two clients came to him because they perceived their current lawyers were inefficient.

"The clients are shopping around for better prices so it's important to become as efficient as possible," he said.

The use of hardware and software that allows one to do more in a shorter period of time is one way to go about it.

"I'm trying to harness technology to keep everything efficient and keep overhead down," said Adam Heaton, chair of the GPSSF section and member of a small, virtual law firm.

Murray said he's been offering clients "unbundled" legal services, that is helping out with just one aspect of a case, such as writing a letter on someone's behalf, or drafting an answer to a complaint or responding to discovery requests.

"I'm still able to help them in a way that fits their budget," he said.

Attorneys are trying new things in terms of marketing as well.

To increase his visibility, Murray has created a larger and more dynamic online presence through his website and a regularly updated law blog — tactics that seem to be effective.

“These are things that don’t cost money. They just cost me in terms of time,” he said. “I’m just trying to be lean and mean and keep my operating budget low.”

Maple Grove family law attorney Patrice Hockings said she recently attended a seminar that presented an interesting twist on the marketing concept.

Rather than address what materials attorneys might use to market and attract clients to their services, it was suggested that attorneys market themselves, Hockings explained. Attorneys should present themselves to their target market as a “whole” — a well-rounded person in their personality and disposition — and not just as someone with knowledge of the law.

“[Attorneys need] to show the personable, human, down-to-earth, creative side of themselves, and to do that, the course offered reminders to take care of ourselves through physical and mental exercise,” said Hockings.

Similarly, Poll stressed the need for attorneys to figure out what’s most important to them and make sure they get those things done.

Most solo and small-firm lawyers can control their schedules, so if they want to take a break in the middle of the day — like going for a bike ride — they should do it, he said. “The more you do these kinds of things to take care of yourself, the better off you’re going to be, in an up economy as well as a down economy.”

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