



EVERYDAY PUBLIC RELATIONS FOR LAWYERS

BY GINA F. RUBEL, ESQ.

[SECOND EDITION]

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DEDICATION

I dedicate this book, and everything I do, to my family.

Thank you

to my husband, Scott, for supporting me,

to our children, Gianna and Ford, from whom I learn something new every day,

to my mother who loves me unconditionally,

and to my father in heaven who inspired my career:

I love you.

And to the Furia Rubel Communications team,

thank you.

I couldn't do any of it without you.

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PROLOGUE

History of law firm marketing and public relations ... and how I ended up serving law firms as a legal communicator

Lawyers today rely on marketing, public relations, and business development to attract new clients and retain existing clients. Those who received their law degrees prior to 1978 will confirm that, for them, public relations and marketing were considered unethical. These lawyers dreaded self-promotion. Similarly, those who earned their law degrees between 1978 and 1998 probably never talked about marketing or public relations as crucial aspects of their business management and development plans when they were in law school. Today, lawyers routinely educate themselves about the ethics of communicating with potential and existing clients. Savvy lawyers know that various forms of communication are key components of developing new business and becoming rainmakers.

As a third-generation lawyer, I have had the privilege of closely observing this fascinating evolution. When it comes to public relations and marketing, I have witnessed the change from taboo topics to grudgingly accepted practices to tools that no lawyer can afford to ignore.

My grandfather, Edward W. Furia, Sr., graduated from University of Pennsylvania School of Law in 1930 and practiced law until 1971 when he became the first Italian-American U.S. Magistrate for the Eastern District of Pennsylvania. As a practicing lawyer, he hung a shingle outside of his Broad Street office in South Philadelphia. He listed his name in the telephone directory, mainly because he maintained an account with the Bell Atlantic telephone company. He was listed in the illustrious Martindale-Hubbell® book (a publication that “began in 1868 as one man’s vision to provide business **men** with the address of ‘one reliable law firm ... in every city in the United States.’”)

My grandfather was one of the founders of The Justinian Society of Philadelphia, a group of Italian-American lawyers and judges who helped one another to grow and establish their businesses in a city that, at the time, had a non-ethnic, homogenous legal community. My grandfather frequented Palumbo’s, the South Philadelphia, Italian-American neighborhood social club, with my grandmother, Mollie, where he often entertained legal questions from people in the community. These same folks later showed up at his office and engaged him for legal counsel.

That was rainmaking.



LEGENDS OF THE BAR

In 2002, Edward W. Furia, Sr., was named a “Legend of the Bar.” This honor has been bestowed upon only 160 lawyers to date in the history of the Philadelphia Bar Association. He was hand-picked, by a cross-section of today’s Philadelphia lawyers, as one of the advocates of the past who embodied the true meaning of the term “Philadelphia Lawyer,” which began with Andrew Hamilton (the first Legend of the Bar) in 1735.

In 1971, my father, Richard F. Furia, took over his father’s law practice. Growing up the son of a lawyer, my father was raised with the view that all of his business would come from family, friends, in-person networking, and word-of-mouth. Even then, he knew that he had to be visible, present, and accessible.

My father gave his time to everyone in need and worked hard to maintain his business. He, too, was active in the Italian-American social and legal communities, including the Order Sons of Italy in America and The Justinian Society for which he served as the chancellor in the late 1990s. He also was an elected member of the Philadelphia Bar Association board of governors and was active in various other professional, political, and social organizations, such as the American Bar Association, Pennsylvania Bar Association, Philadelphia Orchestra, The Union League of Philadelphia, The Pennsylvania Society, The Lawyers Club of Philadelphia, Free Library of Philadelphia, Barnes Society of the Barnes Foundation, and the Philadelphia Museum of Art.

Yet, even with all the networking and hard work, my father believed it was unethical to advertise one’s legal services.

But in 1977, the U.S. Supreme Court ruled that the First Amendment permits lawyers to advertise their services, with limitations. The case was *Bates v. State Bar of Arizona* involving a dispute over a newspaper advertisement by lawyers.

Then in 1983, the American Bar Association adopted the ABA Model Rules of Professional Conduct. These rules serve as models for the ethics rules of most states. Chapter 12 deals with the rules governing communications, and I refer to the ethics rules throughout this book.

Fast-forward to 1994, when I earned my J.D. from Widener University, Delaware School of Law. We were taught little about business management or communications. Professors focused on substance and style: offer and acceptance, causation and damages, the Rule against Perpetuities, the art of advocacy in the courtroom, civil and criminal procedure, the rules of evidence, *voir dire*, *ab initio*, *ad hoc*, *pro hac vice*, *certiorari*, *corpus delicti*, *in limine*, and countless other Latin terms that we do not use in plain English.

We graduated from law school without knowing how to establish, grow, promote, manage, lead, or sustain a law practice.

Fortunately, I was a corporate communications major with an international business concentration as an undergraduate student at Drexel University in Philadelphia. I had a solid foundation in business communications and strategies. I knew that growing my legal practice would take focused effort and expertise that I had not gained from law school.

Like my father and grandfather, I began my relationship development efforts with networking and service, even before passing the bar exam. During law school, I was actively involved with the student chapters of The Justinian Society, the American Bar Association, and the National Italian American Foundation.

Just after I passed the bar exam, I was elected to serve on the Philadelphia Bar Association's executive committee of the Young Lawyers' Division. Later in my career, I became the third generation in my family to lead The Justinian Society as chancellor. Two years later, I was elected to the board of governors of the Philadelphia Bar Association for which I have chaired various committees for more than 25 years. In 2019, I established the association's first-ever Law Firm Risk Management Committee, which I co-chair with Mark McCreary, CIPP/US, the Chief Privacy Officer of Fox Rothschild LLP.

Each of these accomplishments has served to expand my network, earn credibility in my own right (especially as the "daughter of" or "granddaughter of" prominent lawyers in the Philadelphia legal community), and to share knowledge, resources, and referrals among colleagues and peers—all forms of everyday communications. I continue as the treasurer of The Justinian Foundation and remain active with various organizations—all the while practicing what I preach throughout this book.

I have made it my professional mission to assist lawyers who similarly realize that the competitive local, national, and international legal markets require strategic planning and careful execution of tactics to acquire and retain clients. My extensive knowledge of the industry led me to publish the first edition of this book in 2007, prompting many articles about how marketing, public relations, and social media support business development.

I hope *Everyday Public Relations for Lawyers*, Second Edition, helps you to understand the intersections between all forms of communication and how to use them strategically for your continued business success.



CHAPTER 1

EVERYDAY PUBLIC RELATIONS FOR LAWYERS: A PRIMER

***“Strategy without tactics is the
slowest route to victory, tactics
without strategy is the noise
before defeat.”***

—Sun Tsu, Ancient Chinese
Military strategist

Strategic Public Relations for Lawyers: The Basics

Before you start dreaming about all the television, radio, electronic, and print outlets in which your name and image will appear, take a step back and think strategically about your idea. When was the last time you walked into a negotiation without ample preparation?

Much like a successful negotiation outcome, positive publicity and establishing a notable reputation can only be achieved through focused, sustained effort. It is important that your expectations be reasonable. In addition, understand that the fruits of your public relations efforts need to grow before they will be ripe for picking, and the growing season depends upon the climate in which they are planted.

Definition of Public Relations

Public relations (PR) is different from marketing and advertising. Public relations is the art and science of proactive advocacy by a company, individual, or brand. It requires strategic management of your position statement and key messages to reach your target audience, and through various tactics, to establish goodwill and mutual understanding.

Effective use of public relations tools allows us to shape public opinion, attitudes, and beliefs. Public relations is much like crafting an opening statement for a jury trial: you will painstakingly strategize about which facts to reveal to the jury initially, which heartstrings (if any) you want to tug, the tempo and timing of your delivery, and the information you deliver last to achieve a lasting impact.

Role of Public Relations

The role of public relations is to help build your and the firm's brand equity by delivering key messages to a target audience to elicit a particular response and thus shape public opinion, attitudes, and beliefs.

Public relations is a method by which we communicate messages about ourselves, our law firms, our understanding of the law, and the cases we handle on an everyday basis.

While public relations, marketing, and advertising differ, all should be considered as part of a law firm's integrated marketing mix.

In the big scheme of legal communications, marketing is the umbrella term under which many forms of communications fall, including public relations.

Marketing entails:

- Advertising
- Branding
- Business Development
- Client Services
- Content Marketing
- Direct Marketing
- Public Relations
- Media Relations | Trial Publicity
- Publishing
- Speakers Bureaus (CLEs, seminars, client training)
- Special Events
- Awards, Ratings, and Directories
- Social Media Engagement
- Sponsorships and Trade Shows

Public relations must be a strategic part of a carefully considered marketing plan so it complements the firm's brand, supports the firm's business development and client service efforts, and reinforces other forms of communication.

There also are distinct differences between advertising and public relations.

According to Hubspot, "Advertising is a [paid] form of communication that attempts to influence the behavior of a defined target audience. Any message developed and placed with the ultimate intention of persuading a group to take a specific action (such as buying a product) can be considered an ad."

I inserted the word "paid" in the definition above because paying to place a message is the primary difference between advertising and public relations.

A big part of public relations is media relations. With media relations, journalists and editors control the messages as opposed to your law firm's marketing team.

The following table details the intrinsic differences between advertising and public relations.

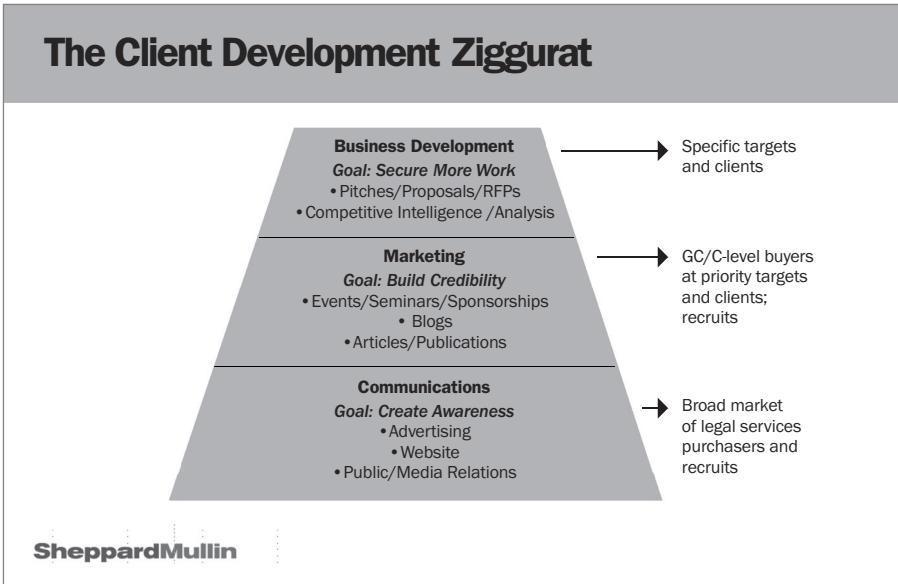
ADVERTISING	PUBLIC RELATIONS
<p>Inspires the recipient of the message to respond in some way: call the law firm, go to the firm’s website, fill out a form, send an email (call-to-action)</p>	<p>Inspires the recipient of the message to read more, learn more</p> <p>Builds awareness and acceptance for the law firm and/or lawyers</p>
<p>Immediate goal is to generate leads that result in new business</p>	<p>Immediate goal is to generate an understanding or positioning about the firm and/or its lawyers</p>
<p>Implicit goal is profit</p>	<p>Implicit goal is positive perceptions and awareness to support the marketing goal (profit)</p>
<p>Messages, mediums, timing, and locations of information are controlled by the law firm—paid placements</p>	<p>Messages, mediums, timing, and locations of information are controlled by others</p>
<p>Measure of success is the value of new business generated as a result of the marketing/advertising minus the cost</p>	<p>Measure of success is expressed in increased awareness, exposure, and trust; share of voice (over competition); crisis containment, reputation, and message management; differentiation; thought leadership, authority, and influence; and client advocacy (trial-publicity)</p>

How Public Relations Supports Business Development

When I reached out to colleagues to ask how they explain the relationship of public relations and business development, John J. Buchanan, the Senior Communications Manager of Sheppard Mullin in California, shared a diagram that he uses to help lawyers understand the role that public relations plays in the broader “get more work” world.

John uses the term “ziggurat” because, as he explained it, “the word pyramid is tired and ziggurat is more interesting.”

John said, “Ziggurats are a kind of Mesopotamian flat-topped pyramid or stepped tower,” which he demonstrates using the following diagram to help the attorneys visualize how public relations can play a foundational role in securing new business:



Creating a Strong Foundation for Your Public Relations Plan

Your first step in harnessing the power of public relations is to create a solid foundation on which to build. In this and other ways, creating a public relations plan is like building a new house. It is an exciting time that requires financing, strategic thinking, careful planning, and follow-through. It requires time, attention, and measurable objectives.

When you decide to build a house, you first have to determine how much money you will spend. This requires evaluating your income, expenses, and future needs and allowing for the unexpected. Once you know your budget, you will need to determine where you want to live and whether that piece of land will support the house you wish to build. You then have to engage the right contractors and engineers to test the soil, draw up the plans, get the permits, and so on.

The specifics like framing materials, exterior parameters, plumbing, and heating will need to be determined. You will do all of this and more before you ever decide on the interior details, such as color, trim, lighting, floors, and window treatments. This is no different than creating a strategic and measurable public relations plan for your law firm.

As we explore this topic, keep two things in mind: first, an end result—such as being quoted in the press. You cannot get there without first going through strategic planning. Second, like real property, public relations is an investment, not an expense.

Public Relations Strategy

Public relations strategy can be defined as the determination of the basic long-term objectives of your law firm's communications efforts to reach your target audience and cause them to react positively to your message.

Strategy also includes the allocation of resources necessary to carry out your plan, a determination of a manageable timeline, and the designation of the benchmarks you will set to measure the success of your efforts.

Your strategy will be used to reach your target audience and convey your messages as well as to form the foundation of your public relations plan. You certainly would not begin to build the walls of your house without first identifying your budget, where the house should be located, the style of home you want to build, the number and size of the rooms you need, and the foundation necessary to build a home that will stand for centuries.

The Tactics

The tools we use to deliver public relations strategies are called tactics. These tools are like the special amenities we use to enhance our homes. We might install crown molding, granite countertops, and custom cabinets to add beauty and value to our homes. Similarly, we can use publicity, community relations, special events, speaking

engagements, sponsorships, and other forms of proactive communications to mold public opinion.

It should be noted, however, that reactive, *ad hoc* public relations tactics—sending out a press release, staging an open house, sponsoring a continuing legal education (CLE) program, hosting a press conference—are rarely effective and sometimes dangerous without having first determined your strategy. It's like purchasing furniture for your home before you have a floor plan.

Just as we can't expect a house to be built in one day, we must realize that public relations activities will not increase business overnight. Harnessing the impact and power of public relations is a long-term, daily, strategic commitment that incorporates many approaches to achieve a law firm's goals. Thus, you build a sustainable house.

Your strategy is the blueprint of your public relations home. The tactics are the amenities, furniture, and decorations that allow you to reap the benefits.

Public relations, when done right, allows you to build a portfolio of articles, news clippings, videos, and thought leadership content that helps to establish credibility objectively. If correctly employed and executed, public relations will raise awareness about your legal services and will position you as a go-to expert in an ever-growing, competitive marketplace.

Public relations is beneficial for lawyers because it promotes legal services and their importance to the marketplace and the community at large. Be certain, however, to remain within the bounds of the rules of professional conduct.

A solid public relations program should:

- Build awareness of your law firm and legal services
- Position you as knowledgeable within your areas of practice
- Position you as a valuable contributor to the legal profession
- Create an environment that will enhance goodwill among your target audience
- Educate and persuade your target audience
- Provide a measurable value to you and your firm

Let's get started in determining the specifications for your new law firm public relations plan.

Eight Steps in Developing a Strategic Public Relations Plan

To develop and execute a strategic law firm public relations campaign, you must employ an eight-step process. These steps are essential to developing a measurable and sustainable public relations plan as opposed to executing *ad hoc* PR tactics.

- Establish your goals and objectives.
- Define how you want to be perceived.
- Determine your target audience.

- Establish your key message—what do you want and need to say?
- Decide what you want your target audience to do.
- Identify which tactics will persuade your target audience to act in the desired manner.
- Implement each tactic to generate optimal results.
- Measure successes against your goals and objectives.

Returning to the home-building analogy, first determine where you want to live (strategy). Then decide what type of house you want to live in (perception/position). Next, define who will live in the house (target audience). Then explain to the architect how you want to live and how you plan to use your living space (key message). The architect will design your home and grounds so you can use it the way you would like (call-to-action).

The builder will build the house so you will enjoy the space in the intended manner (tactics). Once the house is complete, it will be furnished and decorated with the amenities that allow you to live in style and comfort (implementation).

Finally, when all is said and done, walk across the street, look up at the house and say, “Wow, what a great investment we’ve made. It has already appreciated in value and was a sound use of our resources” (measurement).

According to Melissa Marshall, director of marketing for Laner Muchin, Ltd., a small employment law firm in Chicago, the firm’s strategic plan when it comes to “public relations and how it supports marketing efforts is to have the attorneys speak publicly, write articles, and participate on panels. It is all great content to re-purpose on social media and in attorney biographies.”

Marshall added, “Clients and potential clients know that the lawyers went to great law schools and are fantastic at what they do. By demonstrating sound thought leadership and presenting their know-how, however, there is greater validation which produces results.”

What all this means is that your law firm public relations plan needs to fit into your firm’s business and marketing plans. The purpose of the plan is to state your goals and detail how they will be achieved. Adopt a proactive mindset. Look for ways to get out in front of a story or opportunity. Create your own news and events. Set the agenda. Frame the issues. Garner positive publicity for your law firm.

CHAPTER 2

STEPS IN LAW FIRM PUBLIC RELATIONS PLANNING

***“The time to market yourself
is all the time.”***

—Amber Hurdle, Author,
The Bombshell Business Woman

Great public relations can substantially accelerate business development cycles, increase audience awareness, and help promote rapid growth. Harnessing this power can be a terrific boost—if you proceed with clear objectives and remain true to your core business goals.

Step 1: Establish Your Business Objectives

Ask if public relations will help your firm achieve the goals defined in your business plan.

Understanding your business goals or key performance indicators (KPIs) is the first step in defining measurable objectives for a law firm public relations program. When you measure the value of your public relations program, you substantiate that PR has furthered your overall plan.

Law firm business goals must be SMART. Without something to measure, the strategic plans get sucked into a black hole. SMART goal setting is not a new concept and it is certainly not a concept that I came up with. It is a strategic formula for setting yourself up for success.

Goals must be:

- **Specific** – quantifiable with real numbers, real results
- **Measurable** – measurable, which means you need to set a baseline first
- **Achievable** – realistic goals are those that will most likely succeed
- **Relevant** – it must make sense under the circumstances
- **Timely** – both in terms of relevance and being completed within a set amount of time

Examples of quantifiable KPIs:

- Increase profits per partner (PPPs)
- Increase profitability by 15 percent
- Increase profits by 20 percent
- Expand into new markets through lateral development or mergers and acquisitions
- Develop new practice areas
- Focus on a niche practice area to shed unprofitable groups
- Increase the number of lawyers by 10 percent with books of business worth a minimum of \$500,000
- Increase the firm's ranking, e.g., Am Law or other relevant lists

Quantifiable goals incorporate something that is measurable.

DEFINE LAW FIRM BUSINESS GOALS

Q. What are your core business goals? (Quantifiable)

A. _____

Now that you have identified your law firm's business goals, determine your public relations objectives, which must also be SMART. Are your PR goals specific, measurable, achievable, relevant, and timely?

What do you hope to accomplish by executing a public relations plan?

What do you want people to think, say, or do when they hear your name?

Lawyers should ask this question when embarking on a public relations initiative. The answers will help draft the blueprint of your plan and determine the best tools for implementation.

To get started, ask how public relations programs can help achieve your quantifiable business goals. What can public relations do more effectively than other disciplines such as advertising? Once you have answered these questions, you can move on to defining your public relations objectives.

Typical public relations objectives for lawyers (general and specific):

- Increase awareness about your law firm and services
- Build name recognition of your law firm, the lawyers, and services
- Communicate a merger, acquisition, or office relocation to facilitate easy communication between your law firm and its constituents
- Increase new business and profits
- Retain or grow existing client accounts
- Acquire prospective clients in a new market segment
- Develop employee goodwill
- Garner media attention regarding a successful settlement, verdict, or court finding to shape public opinion
- Build a case where there are other possible plaintiffs, such as class actions, multidistrict litigation, Superfund matters, and multiple-party matters
- Generate referrals from other lawyers

With the digital age of communication, public relations can be used to create a two-way conversation with your target audience.

DEFINE YOUR LAW FIRM PUBLIC RELATIONS OBJECTIVES

Q. What do you want to achieve by conducting public relations?

A. _____

Now that you know what you want to achieve and why you want to achieve it, decide how you want to be perceived.

Step 2: Define How You Want Your Law Firm and Lawyers Perceived

Ask what you want people to think, say, or do when they hear about you, your law firm, or your services.

- How do you want to be positioned or perceived?
- What type of business lifestyle do you live?
- This is your position statement.

For example, if your law firm wants to be known for whistle-blower litigation, then craft your position statement around how you protect employees who report employer misconduct.

- Jocelyn Nager, the president of Frank, Frank, Goldstein & Nager in New York, describes her firm's position as a "New York debt collection and commercial debt collection litigation firm."
- Deborah Willig, managing partner of Willig, Williams & Davidson, a Pennsylvania labor-side law firm, is a labor law lawyer who represents the rights of U.S. union workers.
- Stoel Rives LLP, an Am Law 200 firm in the U.S. Pacific Northwest, serves the legal needs of corporate clients in industry sectors including agribusiness, food and beverage, education, energy and infrastructure, health care, life sciences, natural resources, and technology.
- Panitch Schwarze Belisario & Nadel LLP is a global intellectual property transactions and litigation law firm that approaches intellectual property law with responsiveness and creativity—protecting the intellectual property assets of a diverse clientele, ranging from Fortune 500 companies to individual inventors.
- Lori Shemtob, founding partner of Shemtob Draganosky Taylor in Pennsylvania, states that her firm is composed of divorce and family law lawyers.
- Horn Williamson LLC provides legal services to clients dealing with all stages of the construction process from the design through the conclusion of construction and beyond.

These are just some examples of how law firms position themselves in the marketplace. I work with firms of all sizes, yet there are clear differences in each firm's positioning. There are positioning statements for big firms, small firms, industry practices, and legal practice areas. Know how you are differentiating your firm and your practice.

How Is Your Firm Positioned?

The way to answer this question from the perception of others is to determine how your law firm is perceived.

Ask your significant other to tell you what you do. Jot down the response. Do the same thing with your best friend, closest neighbor, parents, employees, children, colleagues in other practice areas, and business associates. If everyone answers, "Well, you're a lawyer," then you're barely there. My response is, "So what? It doesn't matter that you're a lawyer." The question is: what purpose does your legal prowess serve?

If you are a general practitioner from the neighborhood or a high-powered corporate lawyer who makes and generates multimillion-dollar deals, you need to be perceived as such.

You want the most important audience to perceive you the way you want and need to be perceived. In other words, if you can walk the walk, you can talk the talk for purchasers and potential purchasers of your services.

DEFINE HOW YOU WANT TO BE PERCEIVED

Q. How do you want people to perceive you as a lawyer?

A. _____

Once you have decided how you want to be perceived, there are two things to be communicated in your position statement: the features of your law firm and how they benefit your target audience.

Features vs. Benefits

Although entire seminars and books are devoted to explaining the differences between features and benefits, here is the answer in a nutshell: features are the characteristics that physically describe your legal services, background, or experiences. Benefits are why your services matter to the recipient.

For example, a crystal wine glass is crystal. It is clear. It is solid. These are its features not its benefits. Most lawyer biographies communicate features about the them—not the benefits of working with them: the individual's areas of law within which they practice; their education and professional background; the courts within which they

are admitted to practice; a listing of any articles or treatises they have published; and the all-important number of years they have been in practice.

The benefits of the crystal wine glass are that you can see through the container to identify the liquid inside, the object is weighted so it can't easily tip over, the object is pure and doesn't give off any flavor changers or odors that would distort the flavor, and the wine glass maximizes the bouquet of the wine for maximum enjoyment.

The benefits of working with a lawyer should describe how the lawyer's legal services help clients solve or avoid problems.

Features establish credibility and distinguish your background from that of your competitors. Benefits tell your audience what they will gain by working with you or your law firm. In other words, why your services matter.

Like other regulated industries, benefits language is highly scrutinized in legal communications because you cannot present information that is subjective, creates an unjustified expectation, is false or misleading, compares your legal prowess to that of another lawyer or firm, or omits necessary facts when the communication is considered "commercial speech." This is discussed in more detail in Chapter 12.

Once again, be careful that your description and statements comply with your state's ethics rules and those of any additional jurisdictions in which you practice and communicate your services.

Are Your Aspirations Reasonable?

Now that you know how you want to be perceived, ask whether your aspirations are reasonable.

I once had a plaintiffs' lawyer from a relatively small town with a population of fewer than 9,000 people tell me that he wanted to be known as "the best" lawyer in his state, which had a population of 12.3 million and nearly 100,000 licensed lawyers. He believed that he should be on CNN, MSNBC, "The Today Show," and "Good Morning America." This lawyer had retired from the practice of law several years before and wanted to make "a comeback." Moreover, he had not conveyed any information that was unique, earth-shattering, or important to a mass audience. His aspirations were not realistic for his circumstances.

Conversely, in 2018, a former prosecutor in the Bill Cosby case reached out to my agency to seek representation before Cosby's sentencing hearing. Bill Cosby, often referred to as "America's Dad" in pop culture, was convicted of three counts of aggravated indecent assault. It shocked the nation, and the conviction had a massive effect on the Philadelphia region where Cosby was revered as a hometown hero. Furia Rubel's client, Stewart Ryan, was a crucial part of the prosecution team in the conviction of Bill Cosby on charges of sexual assault. Stewart was the only assistant district attorney to remain with the Montgomery County prosecutor's office from the time of Cosby's arrest through his conviction. Stewart successfully prosecuted this historic case and was later commended by Montgomery County District Attorney

Kevin Steele for “his legal acumen, courtroom skills, commitment to seeking justice for all sexual assault victims, and outstanding leadership.”

Stewart had previously been barred from speaking to the media but could speak publicly after the sentencing hearing. His aim was to position himself as a thought leader on sexual assault cases to support his civil law practice. Furia Rubel achieved this goal through extensive research, targeted media pitching, and monitoring of the reporters who were covering the story and what they needed from their sources during the peak of the news cycle.

Because Stewart had a story to tell, the expertise to back it up, and the timing was right, we were able to secure significant media placements. Following the sentencing hearing, Stewart was interviewed by the Associated Press, The New York Times, The Legal Intelligencer, and the ABC and NBC affiliates in Philadelphia. Furia Rubel also arranged an appearance on “Good Morning America” the following day where Stewart appeared on a panel with Gloria Allred, a feminist lawyer who represents dozens of Cosby’s other victims, and Lise-Lotte Lublin, a Cosby survivor, to discuss the sentencing with the show’s anchor, George Stephanopoulos. Thereafter, Stewart was invited to the *Philadelphia Inquirer’s* newsroom to watch Dr. Christine Blasey-Ford and Judge Brett Kavanaugh’s testimony regarding sexual assault allegations with other local experts, including Carol Tracy, executive director of the Women’s Law Project; Robin Fierstein, licensed psychologist who specializes in trauma; and Mary Onama, executive director of the Victim Services Agency in Montgomery County, Penn. The commentary that followed positioned Stewart as a thought leader for topics related to sexual assault and victim advocacy.

There is a stark difference between the retired lawyer who wanted to be on “Good Morning America” and Stewart Ryan who had something of value to add to the discussion.

Setting reasonable goals and objectives is half the battle in successful public relations planning.

Step 3: Identify Your Target Audience

Determine exactly who you want to influence. This is your target audience. It should be defined as precisely and accurately as possible. Your target audience should be the thought leaders and decision-makers who will ultimately affect your law firm’s bottom line.

For most law firms, the target audience includes current and past clients, prospective clients, referring counsel, and firm employees. But what about the thought leaders who influence the decisions of your clients, prospects, referring counsel, and employees? Include them. They can be clergy, union leaders, corporate executives, trade association leaders, community leaders, government officials, activists, and the media, among others.

IDENTIFY YOUR TARGET AUDIENCE

Q. Who do you want to influence?

A. _____

After you define each target audience, dig a little deeper. This is the most difficult task for general practice firms and big law firms because they usually consist of many practice areas, all with a different audience. Break down each practice area and its corresponding target audience.

To hit the mark with your public relations program, ask the following questions:

- Where is my target audience? Are they local, regional, national, or global?
- In which industries do members of my target audience work?
- Is my target audience composed of men, women, or both?
- What are the titles of my target audience (if institutional)?
- What news publications and programs do members of my target audience read, listen to, and view?
- Which trade and consumer publications do members of my target audience read?
- Does my target audience subscribe to blogs, podcasts, or other forms of electronic and social media?
- What conferences, seminars, or town meetings do members of my target audience attend?
- What are the age groups of my target audience?
- Who influences the legal service buying decisions of my target audience?

When you've answered these questions, ask one more question:

- What are the needs of my target audience and how can I meet them?

Step 4: Establish Your Key Messages

Once you have defined who you are trying to reach and how you want to be perceived, determine what you want and need to say. This is referred to as your “key messages.”

Your key messages are thoughts, words, or phrases that embody the fundamental ideas that you and your law firm would like to express to your target audience. They must be clear, concise, and memorable. Your key messages must align with your business objectives. These are the thoughts you want your audience to remember above all else. They ensure consistency so you and other members of your law firm are speaking with one voice to your target audience.

Your primary key messages are the *sine qua non* for the foundation of your public relations and marketing plans. Focusing on a few key messages is vital to effective communication of your overall message: who you are, what you do (features), what your clients need from you, and what services and benefits you will deliver to them.

ESTABLISH YOUR KEY MESSAGES

Q. What do you want and need to say?

A. _____

Also, create secondary key messages that communicate the nature of underlying or derivative needs. Secondary key messages are used to communicate specific needs or wants that may arise during the course of your business practices. They reinforce your primary key messages and then focus on a particular issue, fact, or matter.

For example, you might want in-house counsel for national banks to be aware that your law firm served as outside counsel in a successful national bank merger. Your law firm is still conveying the primary key message that you handle mergers and acquisitions; however, your secondary key message will be tailored to the particular industry (banking) rather than the overall nature of your law firm.

Your secondary key messages should vary depending on what you’re trying to accomplish.

Consider a firm that handles general plaintiffs’ matters. If the firm would like to increase its class-action matters, a secondary key message would be tailored to specific class-action opportunities. The message might focus on a Superfund site, a prescription drug, or unfair consumer trade practices as opposed to the firm’s representation of people who have been injured.

Once you have determined the key messages that reinforce your goals and objectives and have tailored them to the needs and wants of your target audience, determine what you want your audience to do in response to your messages.

Step 5: Craft Your Call-to-Action

Ask what you want your target audience to think, say, or do when they hear your message. Do you want them to call your office to join a class-action lawsuit, or do you want them to refer a certain type of business to your law firm? Would you like them to be aware that you exist, in case they need your services in the future?

Understand what you want to happen as a result of communicating your key messages, which should support your firm's business objectives, and thus be quantifiable.

CRAFT YOUR CALL-TO-ACTION

Q. What do you want your target audience to think, say, or do as a result of your message?

A. _____

Next, determine how you will convince your target audience to respond to your message. Which tactics will reach them to accomplish your public relations objectives?

Step 6: Persuade Your Target Audience to Act

You can employ many public relations tactics to create an ongoing buzz. Tactics designed to increase awareness among your target clients, generate recognition, and position you as an authority in the legal industry will inevitably build your book of business. By consistently and productively executing strategic public relations tactics, you can build momentum and increase your bottom line.

The best way to determine which tactics will work for you is to identify the typical activities, desires, and needs of your target audience. For example, if your law practice is built predominantly on referrals, consider presenting a continuing legal education program or seminar to an audience of potential referral sources. If your law practice is built on credibility in a particular industry sector, consider getting involved as a thought leader in a professional association, writing for the association's publication, blogging on thought leadership topics relevant to the industry, and being a go-to resource.

After determining who your target audience is, it is now time to determine what they want and need. You do not have to invest a lot of money to make this determination. You can do the research by asking your ideal clients to respond. Call upon thought leaders in your sphere of influence to explore what makes them tick.

Conduct secondary research to uncover general data that will help you make the best decisions. For example, what types of questions is your target audience asking on

social media? What are the legal issues that keep them up at night? Check out Quora.com, a question-and-answer website where questions are asked, answered, edited, and organized by its community of users in the form of opinions. The persuasive strategy should determine and articulate the pains you can alleviate and the problems you can solve on behalf of your clients.

You also can conduct law firm client surveys to verify your clients' wishes and needs. Proceed with caution, however, because surveys may divulge information or critiques about the law firm that you are not willing or able to regulate or respond to. In that event, you will find yourself in a less favorable situation. For a better understanding of the concept, read:

- ABA: "Following Up on Client Feedback: The Key to the Survey Process" by Sally J. Schmidt
- Altman Weil: "Law Firm Client Surveys"
- FindLaw: "Making the Most of Law Firm Client Surveys"
- Law360 [Subscription Required]: "How Client Feedback Programs Benefit Law Firms and Clients"

Compile a list of sources and industry events used by your target audience to stay up to date. Do they religiously attend particular industry conferences, do they have a savvy public relations program for which they publicize an award, or are they networking regularly within an industry association? This will be beneficial for you to reach your target audience without deviating.

If you want to generate publicity that will reach your target audience, figure out the publications they typically read and to which they subscribe. If you're reaching out to referring counsel, are they reading *The National Law Journal*, *American Lawyer*, *JD Supra*, *National Law Review*, *Lexology*, and *Mondaq*, or *Harvard Business Review*, *USA Today*, *Forbes*, and *The New York Times*? Perhaps it is all of the above.

Once you know the media outlets trusted by your audience, you can target your media outreach accordingly.

Identify the decision-makers who select the legal counsel. Observe their selection process criteria. Recognize and understand the trends in your target audiences' lives and businesses and decide which types of programs (tactics) you can develop to respond to those trends.

To further draw the attention of your target audience, execute these common public relations tactics:

- Advertorials
- Articles
- Awards
- Content marketing
- Digital media strategies, such as blogs and informational websites

- Feature stories
- Media relations and publicity
- Social media engagement
- Speaking engagements
- Special and community events
- Survey and trend results
- Thought leadership
- White papers

To understand which tactics are appropriate for a lawyer or law firm, ask, “What needs to be accomplished?”

If you’re an associate, for example, you may have a limited amount of time to devote to public relations efforts. In this case, capitalize on one or two simple tactics like writing legal articles or blogs and having them published in trade or consumer outlets (more about these tactics in Chapter 4).

Follow the rule of C.O.P.E.S.: Create Once, Publish Enthusiastically and Strategically. This acronym used to be known as “create once, publish everywhere;” however, “everywhere” is misleading. If you publish an article or blog, send it to relevant clients and prospects, share it on social media sites like LinkedIn, Twitter, and Facebook, and include it in the firm’s e-newsletter. Check out Chapter 10 for more details.

As an associate who may be limited to personal networking, get involved with your local or state bar association’s Young Lawyers Division, get involved with your undergraduate or law school alumni associations, join a chamber of commerce committee, or actively participate in your religious institution. Professional networking also includes maximizing the value of social media tools, which you can do at any time from any location.

As your career matures, however, you will look at your law firm’s culture and expectations to define ways to enhance your name and stature in the community.

If you work in a firm that has a marketing department, now is the time for you to meet with the chief marketing officer (CMO), chief business development officer (CBDO), public relations director, or marketing director and ask what you can do to assist with public relations.

In larger firms, it is not typically a lawyer’s job to issue press releases or organize continuing-education programs to reach your target audience. Your law firm will have procedures in place (and, if not, it is time to establish them) for marketing and public relations. The CMO, CBDO, and other marketing professionals will be thrilled if you avail yourself.

In the larger firms, it is also likely that the firm will dictate the type of public relations you may pursue, but you can find opportunities by analyzing who you are and where your interests lie.

Ask: What are my passions? How can I parlay them into promotional opportunities? What industries are most appealing?

Most of the time, you will want to employ multiple tactics so you are not just a blip on your audience's radar screen. You want more than just 15 minutes of fame.

Step 7: Implement Tactics to Generate Results

Implementation is the how-to in law firm public relations. It is the actual execution of each tactic to reach your target audience with your key messages to effectuate your goals and objectives.

Step 8: Measure Public Relations Outcomes

With the pressure to be competitive and to acquire and retain more and more clients, law firms know that they must execute their marketing and public relations plans thoroughly. But few take the time to measure the effectiveness of their communications. How will your firm know for certain that 80 percent of new cases came from referrals or that the seminar you hosted did or did not generate new clients?

Since the topic of public relations measurement (a topic covered in Chapter 11) can be the subject of a white paper, here is a brief list of measurement tools to have in your arsenal.

Public relations and marketing measurement tools:

- Cision | Trendkite
- Google Analytics
- Gorkana
- IQ Media
- Meltwater
- Mention (Social Media Measurement)
- Nuvi
- TrackMaven

If you do not measure the effect of your public relations, you are only half-communicating. You created a solid public relations plan, targeted your audience, identified your positions, crafted your messages, laid out your calls-to-action, and executed a long list of tactics. But you are only three-fourths of the way there. To complete the process, you must measure the results. Without measuring results, you are wasting the money you spent on creating and implementing your plan.

Make the investment to build your strategic, sustainable, and influential law firm public relations plan.

CHAPTER 3

PUTTING THE MEDIA TO WORK FOR YOU

***“Whoever controls the media,
controls the mind.”***

—Jim Morrison

When the opportunity to work with the media arises, be prepared and media-trained to ensure that everything will run smoothly and effectively. Law firms and their lawyers can and should control all messages provided to the media for reasons of message management, ethics, and—in the cases of trial publicity—to protect the clients’ best interests.

Media relations can be a productive way to enhance an individual’s or firm’s professional reputation and to represent a client’s best interests.

If you are interested in increasing your media exposure, this is most easily accomplished by developing personal relationships with members of the media.

Law Firm Media Policy Primer

All law firms, no matter how big or small, should have a written media policy. Even solo and small firms should have some type of internal media policy.

Recently, a founding partner of a five-lawyer firm contacted me for advice after the co-founding partner was indicted and arrested for illegal sexual conduct. The news of the arrest was covered in every major media outlet in the city where the arrest took place—the same city where the firm is located. Reporters immediately began calling the firm and the receptionist responded in a way that was less than favorable to the firm. In addition, the receptionist had no authority to speak with the media but the firm never explained that to the staff and had no written media policy.

Below is what your firm’s media policy should provide:

- A list of whom may speak with the media on the law firm’s behalf
- Detailed protocols for handling media queries for an interview or comment, including record-keeping procedures for media calls and interviews
- Details of what the spokespersons or lawyer may and may not talk about
- Guidance on how to handle calls about firm clients and cases and for third-party commentary on cases or legal issues that the firm is not handling but has practice area or subject-matter expertise
- Guidance on how the firm will handle media when the firm is dealing with a legal matter and outside counsel refuses to answer media inquiries, or has a “no comment” policy
- An outline of the firm’s crisis communications and incident response procedures
- Guidance on how the firm will handle ethics of dealing with the media and, in particular, Rule 3.6 Trial Publicity and what to do if a judge issues a gag order

Five Tips to Maximize a Lawyer's Relationships with the Media

To maximize the value of your media relationships, take heed of the following tips:

- 1. Determine your primary geographic market:** This could be a particular city, a geographic region, or a national audience.
- 2. Create a general media list:** Compile a list of newspapers, television and radio stations, newsletters, alumni publications, magazines, blogs, and podcasts that reach your target audience. Several publications and databases include listings of media contacts such as Cision, which acquired Gorkana, among others.
- 3. Double-check your contact file:** Verify your list of contact names, email addresses, and phone numbers. Ensure they cover your topic or industry.
- 4. Know to whom you are pitching:** Become familiar with the media outlets on your list. Read the publications and blogs, watch the television programs, listen to the radio shows and podcasts, and get to know their individual content and style, especially that of the reporters you plan to pitch. Legal industry reporters often are assigned a beat (area of interest) to cover. Take the time to acquaint yourself with who they are and what they cover.
- 5. Update your list regularly:** Update your list at least quarterly and anytime you make media calls or find out that someone new is covering your beat. Job changes are common in journalism, especially in light of the continuing decline in print advertising sales, which has led to frequent restructuring and consolidation of media outlets and their publishers/owners.

Once you have assembled and verified your media list, get to know the people you are pitching and why. Then, only send news about your business, story ideas, and trends to the media outlets that cover your issues.

Effective Ways for Lawyers to Garner Media Coverage

“Good press” is a vital component of legal communications, and to obtain it, you must understand how to best relate to reporters.

Pitching a reporter or producer can be akin to throwing a ball to the batter to see if he or she is going to hit it and, if so, how far. Even though the commonly known terminology is pitching, it is the art of communicating and having a conversation.

There is no single way to pitch a story. Understanding the nuances of the media, however, will help you become a better media resource in the long run.

Understand deadlines: The worst time to contact a reporter is when they are on deadline. If you try to contact a reporter who is on deadline, most likely that person will not be receptive to your story. Ascertain whether it is a good time before discussing your story with a reporter. If the reporter says it is a bad time, ask when a better time would be for you to call back and then do so at the specified time. If yours is a breaking news story, let the reporter know. The reporter will decide if he or she

wishes to learn more at that time. If it is that important and the reporter is interested, that person will likely ask for more information.

Be memorable: Reporters receive hundreds of emails, calls, and social media pitches daily. Your story must stand out. Research the reporter before contacting them. Know the reporter's beat (what types of articles does this person write and where does he or she obtain information). Be familiar with articles that the reporter has written in the past, and, if you can, tie one of them in with your pitch. Be specific and brief—this will show the reporter that you are not wasting their time. Differentiate your story from others and leave a compelling impression to stand out.

Know media frequency: Reporters working for a daily publication or newscast will be interested in a news story that they can break to the public. Conversely, reporters working for weekly publications or feature programs are more interested in detailed, comprehensive information and how that information will affect the business community. Modify your story and strategy accordingly to avoid getting filtered out. These are not steadfast rules, however, because oftentimes weeklies will break news online any day of the week and may go into greater detail in the print edition.

Do not sell anything: When you are providing the media with news or a resource for information, you are not selling your services. Do not send brochures, newsletters, practice descriptions, or other marketing materials. Engage them in a meaningful conversation that will help them report your story or make you a go-to resource to be quoted in other stories.

Go the extra mile—help reporters see both sides of the story: Reporters must not mislead their readers. Think like a journalist. Help create a balanced story by going the extra step and providing reporters with opposing perspectives. Showing both sides of a story makes it hard for the reporter to accuse you of being disingenuous or biased.

Using Voicemail to Pitch Effectively

The general nature of media pitching is important. Even your voicemail pitch should follow certain guidelines to be effective.

Be brief: Get to the point quickly. Lead with your strengths. Do not tell the whole story in the message; just say enough so the reporter will call you back. On voicemail, the less said, the better.

Example: “Hi Dakota. It’s Renee Nalas. I have a breaking news story about a U.S. Supreme Court case. My cell is XXX-XXX-XXXX. You can also reach me by email at XXX@XXXX.com. Again, my cell is XXX-XXX-XXXX.

Be memorable: The tone, volume, and pitch of your voice are as important as your message. Sound enthusiastic. Sound like you care about the story. Then, say one thing that will be memorable to the listener—speak in sound bites.

“Remember to use as many media forms as possible. The more your target audience hears and sees your name, the more visibility, credibility, and validation you will receive.”

Make it easy: Make it easy for the reporter or producer to call you back quickly. Leave your phone number twice and state the numbers clearly and slowly. It is frustrating to have to replay the message. If you are working on a breaking news story, leave your home and cell numbers. It is okay to say, “I can be reached until 9 p.m. and after 7 a.m. tomorrow,” to set parameters for times to be called back.

Call again: Do not leave a second voicemail unless it is necessary because you have new information to share. Rather, call again until you actually speak to the person—only when calling an office telephone. If the reporter works from home or via a personal cell phone, try to reach that person via email before you call again. If you do not have any luck, put a day between your calls. This is media pitching, not stalking. When all else fails, try sending your pitch in a letter via overnight delivery service—which is rarely used and really gets attention.

Using Email to Pitch Effectively

Have you ever taken a vacation and come back to hundreds of emails? For many journalists, producers, and other media professionals, regardless of the medium, that is what their inboxes look like every day. So why will your email stand out above the rest?

You can follow the general principles, but pitching by email is just as uncertain as leaving a voicemail. It may or may not get through the SPAM filters at the other end, and when it does, it may or may not be read. Here are some ways to keep your message out of the SPAM filters and junk box and to get you into the minds of the journalists.

The subject is EVERYTHING: The subject line is the first thing that is read. If it only says, “Firm Press Release,” the journalist’s mental response will probably be, “Oh, great, another one.” Instead, use the catchy title of the release.

Example: Buck & Fawn Acquires Dakota & Mavis Becoming Largest Labor Law Firm in Pine Run, Maine

Personalize, personalize, personalize: Begin with “Dear [insert name of the reporter here],” and include a paragraph that introduces the most important aspect of your story and why it should matter to that journalist and their readers, viewers, or listeners. At the close of your message, include ALL of your contact information.

One is enough: Never send your email to more than one person at a time. It is obnoxious to see 50 email addresses in the “To” field. It is frowned upon to Bcc your entire

Seek Media Training: Know the Four Ps

Media training involves the four Ps: preparation, practice, planning, and performance. Each element is an essential component of powerful media training. Media training teaches you how to interview, how to appear on television, how to communicate your message persuasively, and how to overcome physical and verbal roadblocks to effective communications. It is unprofessional to wing it and can work to your disadvantage.

1. Preparation

Lawyers who plan to speak with reporters should be media-trained. Most of us think we can handle a media interview right out of law school. If that is you, think again.

When I was on the Young Lawyers Division board for the Philadelphia Bar Association, I was invited to participate in a live debate against a Washington, D.C., lobbyist, on a topic I thought I knew a lot about. I was a last-minute substitute for someone more well-versed on the subject than I; and while I should have declined the interview, my ego got the better of me. Suffice it to say, I am glad we did not have YouTube, Vimeo, or social media in the late 1990s. The copy that the station provided to me on a VRC-tape has since been destroyed. I do not even want to use it for media training. It was that bad.

Less-than-ideal interactions with reporters will appear in stories and quickly spread to many recipients over the internet. Articles containing poorly worded statements, incomplete thoughts, or factually incorrect commentary can be and often are republished through email, blogs, and websites. However, if you know how to communicate with the media effectively, you can generate a great deal of positive publicity for yourself and your law firm.

Know your key messages: Formulate three key messages prior to speaking with the media. Determine the most important points that you want to convey and write them down. This will help you prepare your thoughts and lead to a more successful interview.

Research the reporter: Before an interview, research the reporter with whom you will be speaking so that you know what type of stories that person covers (hard-hitting or more conservative, for example). This will help you anticipate the questions and enable you to prepare your answers.

Anticipate key questions and prepare key answers: When you anticipate the questions you will be asked, you can plan your answers so they clearly and concisely convey your key messages. Practicing how you will answer questions (not memorizing them) will make the interview more efficient.

2. Practice

Use your questions and answers to practice mock interviews with your colleagues. Pretend you are preparing to be the witness for cross-examination and have a colleague ask you all the questions you have created. Ask your colleague to surprise you

with questions you may not expect. Draft answers to the five questions you dread the most and the five questions you would most like to answer. If your matter is controversial, be prepared to answer the ones you dread. If you will be interviewed for television, tape a mock interview the same way you would in a mock trial. Play it back and critique yourself. Then ask others to do the same. Before each answer, pause before you speak.

3. Planning

Know when, where, and how long your interview will last. If it is a telephone interview, you want to be somewhere quiet where you have privacy, and can stand while you speak to better project your voice while on the telephone. If it is a radio or television interview, arrive at least a half-hour prior to the scheduled time.

If you are being interviewed in your office, the room must be in order and all sensitive materials and files must be stored out of sight.

If your interview is via Skype, Zoom, or another live video platform, adjust the height of your computer camera so you are looking straight ahead. You do not want to be looking down at a laptop screen. Also, ensure that the space has proper lighting and a lack of distractions, which means shutting off your telephone ringers and anything else that could cause a distraction or a disturbance during the interview.

4. Performance

When interviewed, speak clearly and slowly in a conversational tone. Once you have made your point, do not be intimidated by silence. Silence is a tactic used to get you to talk, in the hopes of getting you to say something that you should not otherwise say. This is no different than the tactic lawyers use during depositions and trial. Silence could indicate that a reporter is planning the next question or transcribing what you have said. Regardless of the reason, do not feel pressured to fill the silence. Wait for the interviewer to proceed.

If you do your homework and keep the preceding guidelines in mind, you will increase your chances of receiving the media attention you desire. Remember to use as many media forms (radio, television, print, electronic) as possible. The more your target audience hears and sees your name, the more visibility, credibility, and validation you will receive.

Media Terminology: The Language of Journalists

Be familiar with media terms before speaking with the media. Once you are familiar with these terms, have a conversation with the reporter to determine their definition of the terminology. For example, people often use the phrase, “off the record,” but what does this mean to the reporter? That matters most.

On the record: “On the record” or “for the record” means that what you say is fair game and may be included in the story. Therefore, your comments should be accurate, concise, and memorable. They are statements that you want the media to repeat.

Off the record: “Off the record” comments should be avoided. My preference is that lawyers never make off-the-record comments because nothing is off the record. If you say it, then there is always a chance that it will end up published. Off the record just means that your name will not be attached to it (if the reporter agrees to this). If you do not want it researched or repeated, do not say it.

Embargo: An “embargo” usually entails providing an advance copy of an important press release or other information to the media with the explicit understanding that they will not release the story to the public until a specified date and time. When done right, you maintain control of when the story breaks, and you give the media enough time to conduct research, gather quotes, and cover the story. If you offer an embargoed story to a sole reporter, never give that story to another reporter without the permission from the other. In addition, just because you offered it, does not mean the reporter accepted the embargo. An embargo is an agreement between two parties. Do not just send a press release or email that says “Embargoed” at the top and expect the media to honor it. They have no duty to do so and often they will not honor an embargo unless it is an explicit agreement with appropriate language to that effect. You always risk a leak because there are no guarantees. A hungry member of the media could break an embargo without repercussion, or someone could have leaked the story. Know what and whom you are dealing with.

Exclusive: An “exclusive” is when you give a particular media outlet the opportunity to be the first to break a story. It is the only outlet to get the interview. Many journalists insist on exclusives. In some instances, an exclusive also means that this is the only outlet to cover the particular story.

Second-day story: A “second-day story” should turn hard news into a multifaceted story that blends the issues with human interest. It is an update with new information on a story that was previously told. A second-day story fills in gaps in the original story, provides another angle, and shares expert opinion, data, or other new information.

For attribution: “For attribution” is similar to speaking on the record. Essentially, the information provided by the source is to be quoted and attributed to the person making the statement. The statement is usually followed by, “You can quote me on that.”

Not for attribution: The exact opposite of “for attribution,” “not for attribution” is when you provide the media with information that can be quoted or used, but that same information cannot be attributed to the source. Here, the information or statement

should be preceded by, “You cannot quote me on this.” “Not for attribution” can be a sticky way to present information to the media. If you do not want it attributed to you, then it is better left unsaid just like “off the record.” If you do not wish to provide certain information, you might consider earning some points with the reporter by suggesting an alternative source for them to consult.

On background: According to a colleague who is an undercover investigative reporter, “on background” means that this reporter will not identify the source but will use all the information provided by the source. That is one reporter’s view. “On background” can also mean that the information will not be attributed or used. It depends on the source’s preference, and this should be clarified between the source and the reporter.

On deep background: When you say you are providing information to a reporter “on deep background,” it means that the information is not for the public, but it can be used by the reporter to enhance the story or get additional information from other sources. This is another example of a situation where, if you do not want it published, then it is better not to put it out there.

How to Decide on Terms

The general rule of thumb should be to believe that everything is on the record, fair game, quotable, available from someone else, attributable, and about the story, not you.

As a public relations professional, I advise clients to approach off-the-record or background conversations with care. Any degree of this type of interaction requires one vital element: trust between the journalist and the source.

When deciding whether to approach a journalist with an off-the-record or background tip, consider how well you know the reporter’s beat. Will the information be of value to the reporter and their readers? Is the information valuable to the public overall?

Consider, too, how well you know the reporter as an individual. Have you shared sensitive information with that person before? Were you able to agree on terms of a previous conversation, and did the reporter and the publication uphold those terms?

That type of trust only can be developed over time. It also can be subject to the whims of an editor with whom you do not have a relationship. A reporter may have agreed not to use a source’s name, but by the time the piece gets to the editors, they decide the agreement is not in the publication’s best interest. Either the piece gets killed or the reporter has to go back to the source and renegotiate terms.

Bottom line: If you are at all uncertain about the terms of a conversation, do not say anything you would not want to see printed on the front page or home page.

And remember, too, that even if both parties agree to go off the record or on background, the impressions and feelings created in the mind of the journalist by that conversation are long-lasting and can shape future coverage.

Performance Tips to Control Your Message

Below are performance tips that will help you control your message.

Be concise: When speaking to the media, be concise but do not leave out vital information. You do not want a journalist to find out information on their own, then confront you with it when you are not prepared to answer questions.

Do not panic: If you are asked a question during an interview to which you do not know the answer, do not panic. Be honest and tell the reporter that you do not know the answer but that you would be happy to look into it and get back to the reporter. Do not make up an answer or wing it.

Manage your emotions: Each situation is different and requires a level of emotional intelligence. If you are dealing with a sad set of circumstances, such as a death or a crisis, projecting empathy and understanding will help convey your message more effectively. If the situation requires you to play hardball and take a stance on a highly charged topic—such as a wrongful termination of an employee, discrimination, or unfair treatment—your demeanor should connote strength and fortitude. Either way, keeping your emotions in check during media interviews will help you deliver the most impactful message.

Use the reporter's name: When you speak with a journalist, use their first name and try to relate to that person. The more you get to know reporters and become a resource to them, and the more they get to know you, the more likely they are to give you fair coverage.

Never say, “no comment”: A lawyer should never say “no comment.” When a lawyer says this, it is perceived as an attempt to hide something or avoid telling the truth. If something is confidential, then tell the interviewer you cannot divulge confidential information.

Nothing is off the record: As I mentioned previously, there is no such thing as off the record. If you say it, then there is always a chance that it will end up published.

EFFECTIVE ALTERNATIVES TO “NO COMMENT”



- It would be clearer if I first explained ...
- I do not have all the facts to answer that question, but I can say ...
- Actually, that relates to a more important concern ...
- I wouldn't use that choice of words. If you're asking (rephrase), I can tell you that ...

The Do's and Don'ts of Media Relations

Now that we have covered media lingo and some rules of thumb, let's talk about additional do's and don'ts of media relations.

Just like you, reporters also have pet peeves, norms, and unwritten rules. The following do's and don'ts will help keep you out of trouble and gain goodwill among the journalists you work with during your career.

When communicating with the media, do:

- Be available and reachable when you say you are available
- Understand deadlines
- Be truthful and likeable
- Avoid jargon
- Clarify misinformation
- Speak clearly
- Be responsive
- Use examples
- Use inflection, pitch, and tone
- Use verbal pace and pause
- Sit or stand comfortably
- Be calm and polite
- Be passionate and energetic
- Focus on your agenda
- Be clear and concise
- Do not:
 - Get rattled
 - Say “no comment”
 - Speak off the record
 - Speculate or advise
 - Fill dead air—silence is an option
 - Fidget
 - Use negative statements
 - Sound smug or arrogant
 - Say “um,” “uh,” “okay,” “like,” “you know,” or “err”
 - Nod your head during a question without verbally answering it

Video, Audio, and Online Interviews

Television and Videotaped Interviews

Videotaped and live interviews require an additional set of guidelines. If you are interviewed on television, follow several additional guidelines:

Watch the show several times before you are scheduled to appear: Know the key players and the show's format.

Choose your messages with care: Television reaches a general consumer viewer, and morning news tends to have a higher female demographic. The producers have chosen to interview you based on a topic you have already agreed upon. Stick to that topic or the reporter will cut you off and move on to the next segment.

Stay calm, cool, and collected: Remember to be still. Do not sway back and forth or shake your feet. Take deep breaths. Pause between thoughts. Address the interviewer. Never look at the camera or monitors unless instructed otherwise. Keep your body language open and relaxed. Smile if the subject matter calls for a smile.


Speak in sound bites: Practice your topic in sound bites. Television is a great medium for short, quick sound bites that the viewers can remember. Television reporters are looking for short, to-the-point statements. You will rarely see a person talking for more than nine to 10 seconds during a television story.

Spare the details: Most television stories run for less than 90 seconds. Television reporters are not looking for hours of drawn-out details. Be concise. Get to your point.

Count two seconds before answering: The slight pause before you answer will make your responses sound fresh and thoughtful.

Use flags and bridges: Signal that a key point is coming up by flagging it with a phrase such as, "the key point is," or link each answer to a positive message by using bridging phrases like, "let me put this in perspective," or, "but the real issue is ...".

FLAGS AND BRIDGES

- 
- The key point is ...
 - Let's look at it from a broader perspective ...
 - The real issue is ...
 - Let's not lose sight of the underlying problem ...
 - There is another issue playing into this ...
 - The most important thing to remember is ...
 - I disagree. Just the opposite is true ...

Speak in plain English: The general television viewer speaks and reads at a 7th to 8th grade level. Speaking in plain English will ensure that your message is clearly understood. Avoid legal jargon. Speak in layman’s terms so your audience understands you.

LEGALESE-BUSTER PLAIN ENGLISH GLOSSARY

Synonyms that will help you avoid legalese in your everyday communications.

Aquitted	Found not guilty
Affidavit	Signed statement under oath
Asserted	Said
Complaint	Allegations
Convicted	Found guilty
Damages	Losses
Data	Information or facts
Defendant	Party being sued or Perpetrator
Deposition	Statement under oath
Discovery	Research
Judgment	Decision
Jurisdiction	The court with the authority
Plaintiff	Victim
Postponement	Delay
Precedent	Controlling decision
Predicament	Situation
Statute of Limitations	Deadline
Tort	Wrongdoing or negligence

Remember to highlight your law firm name: When you are first introduced, the reporter will mention your name only. The reporter will almost never mention the law firm. Mention your law firm when and if it is appropriate and comes naturally. Do not expect the firm name to be included in the chyron. If it is, that is the exception to the unwritten rule.

Focus on your objective: Do not get bogged down in statistics or lengthy explanations. Speak briefly, directly, and to the point. Correct any misstatements or misperceptions. Prepare key messages before speaking to the media. Know what your key messages are so that you get them across in your interview.

Beware of interviewing traps: Use your own words. Never repeat negative language or allow the reporter to put words in your mouth. Never lose your cool. Remember that nothing is really off the record.

Plan for your appearance: Follow the 4 Ps: prepare, practice, plan, and perform.

Do not wear white: It glows and becomes the most noticeable thing on the television screen.

Do not wear black: It is too harsh. Black can absorb too much light. Other solid colors work better.

Do not wear busy patterns: Thin stripes, busy tweeds, and prints produce distracting, on-screen effects. This applies to ties and prints on shirts. Pastel shirts work well on TV.

Do not wear bright reds: They “bleed” on camera and are distracting.

Keep your suit jacket buttoned: Your suit will look more symmetrical, and you will appear more professional and polished. For men, this will keep your tie in place.

Wear makeup: If you do not wear powder on your nose, forehead, and face, you will look shiny, oily, and plastic. Make sure the powder makeup you use is the same color as your skin, not lighter or darker.

Watch other people being interviewed: Watch others on television with the sound turned off to see which mannerisms are distracting to you. Avoid using any of the same distracting body language, facial expressions, or movements during an interview.

Eat well and avoid coffee or milk: Do not show up for the interview on an empty stomach. Your growling stomach will distract you. Coffee can make you jittery or nervous; milk can make your mouth feel gummy and will make it harder to talk. Drink plenty of water in advance of your interview.

“ Explain why the publication’s readers will care about your issue and opinion. As with all forms of public commentary, make sure the readers are engaged and have a stake in your message.

Radio, Podcasts, and Other Audio Interviews

Like television, radio and other audio-only interviews have their own norms and idiosyncrasies. Close your eyes and listen to a radio news broadcast. Listen to interviews. Does the dialogue paint a visual picture with words and still keep the message simple and to the point?

Keep the following guidelines in mind when seeking publicity on the radio, for podcasts, and audio webinars.

Do your homework: Familiarize yourself with the reporters or the podcast host before pitching your story. Get to know the demographics of their listeners and informational needs. Target only those outlets whose listeners are most likely to be interested in your what you have to say.

Make yourself known as a spokesperson for an issue or an area of law: Because of the immediacy of radio and podcasts, interviewers have precious little time to hunt down sources when a story is breaking. If you readily come to mind, they are more likely to contact you. Share your profile and contact information in advance and connect on social media.

Understand what radio news is: Understand that your law firm’s story or event will not be discussed on the radio unless it has true news value. If there is a human-interest angle, find out who should be contacted and whether the station covers human-interest stories. Podcasts are a much better platform for human-interest stories.

Be a good guest: Know your material and answer the host’s questions with the listeners in mind. Keep your answers brief. Provide enough information so the listeners will have learned something. Thank the host for having you as a guest, and send a thank-you note after the interview.

Ask for a copy: Many outlets will provide you with a digital copy of the program. Request information about copyrights and whether you are permitted to use the materials for your own purposes. If permissible, use the audio recording on your website. Before you do, make sure it is of interest to your target audience.

Remember that audio lives online, too: While your interview originally may have been for the radio, it is likely that the transcript or a summary of the interview will live online as a news story. Provide the reporter with relevant images if the outlet includes its audio interviews online.

Print and Digital Publications

Keep the following tips in mind when dealing specifically with print and digital media.

Be thorough and resourceful: Print media can usually provide more space for a story than its television and radio counterparts, while digital media can allocate even more than print because they are not constrained by the written word and physical size of the publication. You can provide more information, photographs, or other visuals to promote your story in print and digital, keeping in mind that print publications have physical parameters (such as word counts and content per inch). The more interesting the story, the more likely the publication will cover it.

Do not ask to proof the story before it is published: Reporters pride themselves on being accurate and professional, and they may find it offensive to have their work proofread. Permitting a source to review a story is taboo, and many editors have said they would fire a reporter for doing so. Fear not, however, as many reporters will call to confirm names and facts before a piece is published.

Request corrections wisely: It is not uncommon to spot errors in a story. Frequently, this is not the fault of the journalist; it typically happens during the editing process. When incorrect information affects the overall story, request corrections to factual information. For example, if the story says, “In an interview on Monday,” which actually was Tuesday, and the day of the week is not relevant or substantive, then leave the inaccuracy alone. If there is a substantive mistake, respectfully request that the error be corrected especially because the story will live online for a long time. Some publications will run a retraction or correction in the next print edition while others will only correct the mistake online.

When done right, media relations is a valuable tool to help lawyers and law firms gain credibility and establish validity. When the coverage is favorable, do not forget to share it as a media mention on your firm’s website and via social media. The more people who see it, the more likely it will enhance your credibility and business development efforts.



CHAPTER 4

WRITING FOR THOUGHT LEADERSHIP

“Throughout human history, our greatest leaders and thinkers have used the power of words to transform our emotions, to enlist us in their causes, and to shape the course of destiny. Words cannot only create emotions, they create actions. And from our actions flow the results of our lives.”

—Tony Robbins

Writing often feels daunting to the busy lawyer. When lawyers are told they should write an article on a particular topic, they often say they are too busy, do not have time, do not know what to write about, or their audience is not looking for their services online. Conversely, this author has had the experience of working with lawyers who love to write more than they love to litigate, and they understand the value of publishing thought leadership.

If you have something to say and you want to say it to a particular audience as an authority on the matter, then writing for publication is an effective tool for getting your point across.

Since lawyers have mastered the art of writing briefs (which aren't brief), the art of pleading everything under the sun, and the art of providing backup for their backup, legal writing is typically long and verbose. Breadth and depth are vital for legal pleadings and other forms of legal documents; however, the opposite is required when writing for publication. Clear and concise copy improves the overall comprehension and appearance of your written materials and boosts exposure, message recall, and the overall efficiency of your public relations endeavors.

Just like media interviews, no matter the medium, define legal and technical jargon in easy-to-understand language—especially when publishing for a lay audience. Check out the Legalese-Buster in Chapter 3. You can ignore this recommendation if publishing in a legal trade magazine or journal, such as any of the ALM publications, Law360, JD Supra, National Law Journal, Attorney at Work, Above the Law, bar publications, and the like.

Create Long- and Short-Form Content

Create an arsenal of articles, blogs, and other types of content in short and long lengths. Google algorithms indicate that longer-form content (more than 500 words) performs better for SEO than shorter content. Google changes its algorithms regularly but your copy still should focus on a single message. Besides your main story, you might repackage your piece as sidebars, lists, related stories, freestanding vignettes, fun facts, or trivia. Include visuals whenever possible.

Paragraph length is among the most important signals you send to readers about how easy and interesting your copy is to read. If your paragraphs are too dense, the information appears cumbersome and uninviting. If they are all the same length, the information can appear boring. Vary the lengths of your paragraphs to create a sound rhythm for your writings. Shorter is better. Try to keep your paragraphs to three sentences or less and keep in mind that single-sentence paragraphs are acceptable.

Embrace Editorial Guidelines

When writing for a print publication, read and review several previous editions to get a feel for the types of articles that are typically included.

Research the publisher's editorial guidelines (a.k.a. writers' guidelines) for contributing authors. Editorial guidelines are usually on the publications' websites. Follow those guidelines to refine your article before submitting it for consideration.

Editorial guidelines commonly address:

- Length of article: the minimum and maximum word count (an optimum number of words per article might also be listed)
- Editorial calendars, which include topics, themes, article types, and required submission dates broken down by publication date
- Preferred format of articles for submission
- Topics accepted by the publication
- Copyrights
- Use of illustrations and photographs
- Editorial style, such as compliance with "The Associated Press Stylebook and Libel Manual" for abbreviations, capitalization, grammar, punctuation, and spelling
- Inclusion of an author's biography and headshot
- Compensation (if any)
- Query and submission requirements

Comply with the editorial guidelines to maximize your chances of having the article accepted. If you are not sure about something, contact the editor and ask. It is a great way to start a conversation and to offer yourself as available for commentary on similar issues while getting the required editorial information to submit your article.

Start Writing: How to Identify Topics

The most common dilemma that lawyers face is what to write about. You can come up with topics for your articles in many creative ways.

The Frequently Asked Question (FAQ) Response Method

One of the easiest ways to identify topics to write about is what I refer to as "the FAQ Response Method."

Keep a notebook next to the telephone you use the most at work. Keep the pages divided by topics, such as client management, legal issues, practice areas, and others. Create two columns. In the first column, write down all questions you are asked by a prospective or current client. In the second column, record the number of times you are asked the same question.

Once you have heard the substantive question at least three times, draft your answer or record yourself answering the question. You can use your office telephone, cell phone, voice recorder, or a transcription app (such as Temi, see Temi.com) to capture your answer efficiently. If you are just capturing the audio recording, you will need to have it transcribed. With transcription apps, you will be one step ahead of the game.

Edit your answer then research which publications, blogs, or websites deal with similar topics that reach your target audience.

If you represent corporations and work with in-house counsel, some questions (FAQs) you may be accustomed to hearing are:

- What is your law firm's commitment to diversity and inclusion within the firm and on client teams?
- Does your law firm offer alternative fee arrangements (AFAs)?
- How does your law firm handle conflicts of interest?
- How does your law firm protect client data and guard against cyber-attacks?
- What experience do you have dealing with my specific matter?

A savvy lawyer or law firm marketing department will then take the questions and turn them into answers that can be used by the masses within the industry.

For example, the FAQs become the topics:

- The Benefits of Diversity and Inclusion Programs within Law Firms
- What Clients Need to Know About Alternative Fee Arrangement Strategies
- Protecting Clients' Interests Above and Beyond Traditional Representation: The Importance of Cybersecurity and Data Protection
- How to Protect Your Legal Interests When ... [insert your areas of practice and industry here]

The TOC Review Method

Another way to identify topics to write about is to review the table of contents (TOC) of the last few issues of a publication that your audience reads. This is "the TOC Review Method." Then, answer the following questions:

- Are there any trends in these publications?
- What is the industry/marketplace talking about?
- How are themes being positioned locally, regionally, and nationally?
- How can I expound on some of these issues?
- Are there any myths that I can debunk or inaccuracies that I can clear up?
- What can I say that is different, sheds light on the issue, informs the audience, and positions me as a go-to person in the field?

“ Do not boast or overtly promote your law firm or your services. Such behavior, whether when writing an article or speaking at a seminar, is not appropriate.

The Personal Experience Method

All articles are either written based on one's firsthand knowledge or a great deal of research. Another method for determining what to write about is “the Personal Experience Method.” This provides anecdotes, advice, or ideas based on your experiences using actual examples (*i.e.*, your personal experience).

This is an excellent way to educate your target audience and to share your legal prowess. This method can be used to highlight your successes, with the express permission of your clients, in the form of case studies.

To identify which personal experiences matter, determine what you do in your law practice that is worth sharing with others. This is the “who cares” factor. If someone will care and can benefit from your knowledge and experience, then it is worth sharing.

Here are a few questions to get you started:

- Have you successfully adjudicated a non-confidential case with a complex set of circumstances? How? Why does it matter?
- Have you picked a jury and successfully litigated a case in a jurisdiction known to have certain biases? What were your tactics?
- Have you created a process or procedure to choose qualified vocational experts? What do you look for?
- Have you mastered a formula for any stage of the legal process that is non-traditional?

Do not boast or overtly promote your law firm or your services. Such behavior, whether when writing an article or speaking at a seminar, is not appropriate.

Now that you know how to come up with your topics, it is time for execution.

Getting published is a rewarding way to establish yourself as a thought leader.

Types of Writing

There are different types of writing that you can use to generate a buzz about you and your areas of practice. They include articles, blogs, FAQs, opinion editorials, letters to the editor, tips sheets, books, and whitepapers.

The Authoritative Article or Blog

Writing authoritative articles is one of the easiest and most effective ways to garner valuable publicity—especially if you like to write. When an article is published, you establish credibility with your target audience. It positions you as a thought leader without your having to say, “Hey, look at me, I’m an expert on this topic.”

Authoritative articles should highlight your areas of practice and the industries you serve.

To identify topics of interest, consider the following:

Review memoranda and briefs: Review the last three to five memoranda of law or legal briefs that you drafted. What were the substantive topics you addressed? Are any of those areas of law ripe for a legal trade or industry publication?

Set up Google Alerts: Set up Google Alerts on specific cases that are garnering media attention. Consider writing about those matters and why it matters to the type of law you practice or the industries you serve.

Use an RSS feed reader: RSS stands for “really simple syndication.” RSS feed readers allow the recipient to capture and digest news, articles, blogs, and other online content. That content is plugged into a “feed reader” or an interface that quickly converts the RSS text files into a stream of the latest updates from around the web. Readers usually automatically update in order to deliver the newest content right to your device. Basically, this approach allows you to create your own feeds filled with custom updates from the websites that are within your areas of practice or the industries you serve. There are lots of RSS apps for mobile devices. They also can be set up in Outlook, Slack, and other collaboration tools.

Many media outlets accept well-written, timely, and relevant authoritative articles and others on which you can syndicate your writings.

American Lawyer Media, for instance, publishes a variety of legal trade periodicals categorized by region, size of the law firm, audience (*i.e.*, General Counsel), law practice management topics (such as technology), and other areas of interest for law firms. If lawyers are seeking to grow their business through lawyer referrals, articles about trends and updates in their areas of practice are of value. For example, a data and cybersecurity lawyer should author articles that address the pains of law firms and their clients just as a family law attorney may want to write about issues specific to the jurisdictions within which he or she practices.

Various print and online outlets publish authoritative content for syndication. They also are known as content aggregators. Consider subscriptions with JD Supra,

National Law Review, Lexology, or Mondaq. These publications are user-targeted and read by decision-makers and the media, alike.

The Opinion Editorial

An opinion editorial (op-ed) is used to express a personal opinion. It is an underutilized and powerful way to publish a lawyer's opinion and demonstrate their depth of knowledge on a particular topic. In this way, the lawyer is positioned as a thought leader in their area of expertise, and as one who is willing to take a stand.

An op-ed is located in the opinion pages of a newspaper, magazine, website, or blog. The op-ed submissions that get published deal with often-controversial topics of current interest and take a stand on the issues addressed. It is your opinion, so make it stick.

Also, be careful if your op-ed deals with a topic that you are litigating.

For example, in November 2018, there was a Harvard Law student-led boycott of Kirkland & Ellis because it required associates to sign mandatory arbitration agreements. The Pipeline Parity Project—a law school student group whose mission is “to end harassment and discrimination in the legal profession”—called for the boycott in a statement posted to its website on November 12. The statement included an annotated copy of an arbitration agreement that an associate at the firm was forced to sign. The statement encouraged law students to avoid the firm until they removed the mandatory agreements.

The Pipeline Parity Project created a firestorm, which landed big law firms, such as Kirkland & Ellis and Sidley Austin in the spotlight. Both firms have since changed their policies. The topic has become ripe for op-eds.

For example, on November 14, 2018, Terri Gerstein, director of the Project on State and Local Enforcement at the Harvard Law School Labor and Worklife Program, published an op-ed in *The New York Times*: “End Forced Arbitration for Sexual Harassment. Then Do More.” Gerstein shared her opinions about the unfairness of forced arbitration for workers by stating:

Workers win less often in arbitration than in court, and when they do win, they get less money than they would in court. Arbitration is secret and shields wrongdoing from public view. There's no right to appeal. Forced-arbitration provisions also usually bar class actions, which the Supreme Court blessed in a recent ruling allowing employers to force workers to waive their right to bring a group lawsuit, making it more daunting and difficult for people to sue their employers. And workers don't genuinely agree to arbitration; they're typically presented with a take-it-or-leave-it contract to sign if they want to put food on the table.

These problems with forced arbitration make it especially abhorrent in cases of sexual harassment. Being objectified, degraded, or groped—these are violations of a highly personal and particular nature.

Since newspapers get countless op-ed submissions, getting one published can be difficult. When writing an op-ed, follow these guidelines to increase the odds that your op-ed will get published.

Be opinionated: The more rare or controversial your opinion, the more likely the op-ed will be published.

Write about one thing: If you cannot sum up your ideas in the headline, then it is probably not the best topic to choose for an op-ed.

Write in the active voice: It is easier to read.

Make a point that is unique: Prior to submitting your column, research what the publication has recently published on your topic. Do not repeat what others already have said about the same subject.

Keep it to around 700 words: Typically, an op-ed column should consist of about 700 words, although they can be shorter or longer, depending on the outlet. Keep in mind that print publications have limited space, and most of the time, editors will not take the time to cut an article down to size. You can determine the exact parameters by obtaining the submission guidelines.

Stay focused: Do not derail the train by trying to provide too much backup or writing as if you are presenting an opening statement. It is the short, concise closing arguments that are the most memorable after all.

Be timely: If you are writing about an event in today's news, submit your editorial timely—either the same day or a couple of days later. Op-eds deal with what is happening in the here and now.

Connect locally: Use the local approach when writing for a newspaper within your community. Tie your commentary to local events and include your place of residence and why the issue matters to you. Many lobbyists and special-interest groups write op-eds as part of their regular outreach strategy. Local papers are more likely to publish a column by a local author than by a lobbyist.

Know your audience: Choose the right publication for your op-ed. Submit your piece to only one outlet. Ask who is reading the publication and why you want them to read what you have to say. If you are a local consumer-facing law firm, stick to the local newspapers. More people in your target demographic read them than *The New York Times* and *The Wall Street Journal*. Conversely, if you serve as national defense counsel for insurance providers, you may be better served with an article in a targeted trade publication.

Define who cares: Explain why the publication's readers will care about your issue and opinion. As with all forms of public commentary, make sure the readers are engaged and have a stake in your message.

The Letter to the Editor

A letter to the editor, also known as commentary, is another great way to reach out to the media and to demonstrate your thought leadership.

Writing a letter to the editor is a useful opportunity to share your opinion, educate the public about your issues, applaud someone for doing the right thing, or criticize policies you believe should be changed. A well-written, well-timed letter to the editor can shift public opinion, influence policy, and receive substantial media attention.

Find stories that touch on subjects that relate to your law firm and law firm practice. Whether it is a story about medical malpractice caps in your state, a study that reveals the prevalence of racial disparity in nursing home care, a legislative issue regarding inner-state commerce and the transportation of hemp across state lines in the wake of The Farm Bill, or an article about the federal government's monetary and fiscal policies—there is always something to which you can respond.

When writing a letter to the editor, review the publication's policies and guidelines for submitting letters. Many have word count limitations and submission requirements that you absolutely must follow. Second, editors prefer to publish timely (within 24 hours of the original article publication), concise letters that respond to an article, editorial, or other letters that appeared in the publication and are relevant to issues of local or regional importance. If you are responding to a weekly periodical, give yourself no more than 48 hours, depending on its print cycle.

Your letter must stand on its own because not all readers will have seen the original article. Open your letter with a strong statement that comments on the original article. Your opening comments can take issue with a statement made by the journalist, agree with and support a critical point, clarify a comment made by someone who was interviewed for the original story, add discussion points about something readers would need to know, disagree with an editorial position, introduce a little-known fact or issue related to the subject, or point out an error or misrepresentation in the article. Be careful about accuracy and avoid personal attacks.

The letter must remain short and focused. Close with the thought you most want readers to remember. If you are a litigator, envision your opening and closing statements at a trial. The concept is the same—it is just the number of words that have to be truncated.

Ask a colleague to review your letter to be sure your writing is clear, that you are getting your point across, and that there are no grammatical or spelling errors.

Include your full name, the law firm for which you work, your address, office phone number, cell phone number, and email address. Editors are wary of fake letters or those written just to promote a product or company, so most will contact you to verify that you wrote your letter and that you are providing the paper with permission to publish it.

Submit letters by email to the editor of the publication or use the outlet's website submission form to send your letter.

TIPS: LETTER TO THE EDITOR



- Avoid legal jargon
- Write from your heart
- Be passionate
- Do not respond to numerous articles
- Pick your battles wisely
- Use verifiable data to illustrate your points
- Anticipate that your letter will be shortened
- Lead with your most poignant points
- Include a strong message in each paragraph
- Use examples that relate to local readers
- Do not include a litany of self-serving commentary

Letters to the editor are one of the most frequently read sections of the newspaper and are always published in the editorial section. When done right, your letter to the editor will afford you a great deal of credibility and recognition from those you wish to influence.

The Instructive Tip Sheet

The instructive tip sheet is a simple and concise list of tips or pointers that will help your audience with a particular need, task, or situation. For example:

- 10 Tips for Better Communications with Clients
- 12 Signs That Your Car Is a Lemon
- 6 Ways to Avoid Legal Malpractice Lawsuits
- 10 Mistakes Employers Make in Their Employment Contracts
- 7 Ways to Protect Your Legal Interests When Starting a Business
- 14 Intellectual Property Myths and How to Better Protect Your Ideas and Research
- 9 Ways to Protect Your Estate with Estate Planning

The ideas and topics are endless, but know how to determine what will be effective for you and your firm.

“ If you are trying to reach local consumers, you will be best served by reaching out to local media outlets. If you are trying to reach corporate executives, target the print and online publications they are most likely to read.

As with all public relations tools, have a plan and purpose for your tip sheets.

- What do you want to write about and who do you want to reach?
- What are some questions that clients and prospective clients frequently ask?
- What does your target audience need to understand and how can you be more of a resource to them?

Once you have answered these questions, determine which outlets will be most effective.

If you are trying to reach local consumers, you will be best served by reaching out to local media outlets.

If you are trying to reach corporate executives, target the print and online publications they are most likely to read. For example, for a pharmaceutical company in-house counsel, investigate which pharmaceutical and legal magazines they read rather than trying to pitch tips to the Financial Times. The more focused you are, the more likely your tips will be published.

I recently consulted with a former workers' compensation judge-turned-claimants' lawyer and advised him to write about the “Top 10 Things You Should Do if You're Hurt or Exposed to Toxins at Work.”

After the article was published, we used it to pitch a television interview on our local FOX affiliate during its morning program, knowing that it is a local consumer-watched show. I reached out to the producer responsible for guest appearances and explained why we believed this would be an effective segment for the station's viewers. The producer liked the idea and booked the client who appeared on television shortly thereafter.

Two days before my client's appearance, I sent the producer the typed list of tips and provided permission to publish the bullet points as a graphic during the television segment. I also encouraged the producer to use the tips on the station's website as long as proper attribution was given. This made the producer's job even easier.

The White Paper

A white paper, also known as an authoritative report, is a persuasive essay that uses facts, data, and logic to illustrate a particular point. In government and politics, white papers were originally used to guide the public in making educated decisions on certain issues. However, white papers are used more today to deliver new information, survey responses, and data to a target audience. White papers also make for great in-bound marketing (which is when you share content on your website and require the visitor to provide contact information before releasing the content).

When done right, white papers have many benefits. They are:

- Authoritative, persuasive, and generate awareness
- Tools for in-bound marketing and lead generation
- Content for the firm's website, which can be search-engine optimized
- Information that can be shared easily and distributed to your target audience
- Perceived as objective and factual with a degree of academic weight
- Credible information for media relations outreach to publish study results and other findings
- Visually appealing and have a long shelf life
- Useful for generating content for seminars, webcasts, CLEs and podcasts

For solos and small firms, white papers are rarely an option unless you are willing to invest in a third-party strategic partner. For mid-size firms, if you have a marketing department or are willing to invest, white papers can be a great form of public relations and marketing. In big firms, white papers are a common practice and are usually managed by marketing, research, the library, or are outsourced.

The Comprehensive Book

Most authors do not view writing a book as a public relations tool. However, when you author a book, you can catapult your status from an average lawyer to a well-known source for a particular subject.

Writing and marketing a book is a colossal task. It means dedicating an extraordinary amount of time and resources to meet your goal. There are resources available for book writing and publishing. Before you take on such a task, do your homework.

Deborah Farone, who served as CMO of both Cravath, Swaine & Moore LLC and Debevoise & Plimpton LLP, recently published her first book "Best Practices in Law Firm Business Development and Marketing" (PLI 2019). She says, "I wrote the book with a clear purpose in mind. I wanted to use the research process as a learning exercise and a chance to try to answer the questions: What are the best practices in legal marketing and what are law firms across the country doing that serve as markers for success?"

Using Your Published Articles to Promote Your Business

Each form of writing can be used to promote your business beyond the initial publication. The first thing to do is review the publisher's copyright guidelines. These guidelines vary from one publisher to another.

Most publications allow you to publish reprints. In the best scenario, you will be allowed to purchase a digital reprint, which you will be permitted to upload on your website and distribute as you see fit—but these rights are rare. More frequently, you will be permitted to purchase printed reprints of the article, which you can then use to mail directly to your target audience.

Other ways to capitalize on your reprints:

- Add a link to the original publication on your firm's website and within your online biography.
- Share the content on social media by linking back to your website.
- Include a link to the publication in your email signature.
- Leave copies in the lobby of your office.
- Mail copies to prospective and current clients.
- Send an email to other lawyers who are good referral sources and include a link to the publication on your website.
- Include the publication with new business materials for prospective clients.
- Share copies of the publication at CLEs and other programs that you present.

Other ways to capitalize on work you have already done include writing on essentially the same topic but with a different angle or from a different perspective; incorporating portions of the material into speeches or presentations; and depending on the copyright, updating and resubmitting the piece to another publication at a later date. For an example of how a presentation led to a publication, check out the example at the end of Chapter 5.

Whatever you decide to publish, remember that the time spent working on the material will pay off in spades. Putting pen to paper is always a worthwhile endeavor.



CHAPTER 5

LEVERAGING SPEAKING ENGAGEMENTS

***“Be impeccable with your word.
Your word is the power that you
have to create; it is a gift.”***

*—Don Miguel Ruiz,
The Four Agreements*

Speak Up and Be Heard

A great way to develop business for your law firm is to speak at business forums, industry conferences, bar association meetings, seminars, universities, and continuing legal education programs. Ask yourself whether you enjoy speaking and presenting. If the answer is yes, whom do you wish to address? Once you have answered these questions, add speaking engagements to your public relations arsenal.

When you speak on a topic of interest, you are positioned as an expert in your areas of practice and industries. You can demonstrate your knowledge rather than sell your services.

What to Say

Often lawyers are just as stumped for a speaking topic as they are for the subject for an article. If that is the case for you, re-read Chapter 4, as the same advice for coming up with articles and other communications applies for speaking engagements.

Use “the FAQ Response Method,” “the TOC Review Method,” or “the Personal Experience Method” to determine your topic.

Peruse podcasts, industry trade publications, and blogs for trends.

Use RSS feeds and Google Alerts to keep an eye on industry news and trends.

Take articles or blogs that you have written and use those same topics to create something valuable to present. For each article you write, you can create a topic to speak about and vice versa.

Where to Say It

Another common concern among lawyers getting into the speaking arena is determining where to speak for effective law firm business development. When evaluating venues, such as conferences and bar association events, determine if thought leaders in the industries that you serve will be present. Or maybe you will reach lawyers who practice law in areas that complement but do not compete with yours.

Industry conferences: Industry conferences are a great way to reach decision-makers who oversee legal services. We are surrounded by countless conferences in each industry, so choose wisely. If the primary decision-makers for your services are general counsel in a particular industry, determine which conferences they attend and make sure you are there. The same holds true for industry-specific business owners and entrepreneurs.

When researching conferences, it might be difficult to find an all-inclusive database that is detailed and accurate. It is best to search more specifically by industry or region. Industry publications often publish lists for the top conferences to attend up to two years in advance.

Client and prospect seminars: A seminar is akin to a lunch and learn where the lawyer offers to present an important topic for a captive audience. Typical seminars are either presented at the law firm where the clients and prospects are invited, free of charge, to be educated on matters that may keep them up at night. In the alternative, lawyers present seminars on-site at their clients' or prospects' locations. Seminars are a wise business development tool.

Community programs: Community programs target general consumers and work well for lawyers who practice bankruptcy law, business law for small and emerging businesses, civil rights and discrimination, class actions, consumer protection, criminal defense, disability and Supplemental Security Income, employment law (serving employees), family law, immigration, insurance coverage and liability, personal injury, real estate (residential and small business), trusts and estates, and workers' compensation.

Legal industry events: Various types of organizations host legal industry events. They include bar associations, law schools, Inns of Courts, law firm network alliances, legal tech providers, and other professional associations. There are bar associations and trial lawyers' associations in cities, states, and counties, which reach other lawyers (a.k.a. referral sources) in a targeted geographic region. There also are practice area-specific national associations.

Industry Associations

Here are a few of the associations that draw members from across the United States and in some instances, internationally:

- American Academy of Matrimonial Lawyers
- American Association for Justice
- American Bar Association
- American Board of Trial Advocates
- American College of Real Estate Lawyers
- American College of Trust and Estates Counsel
- American Immigration Lawyers Association
- Association of Attorney-Mediators
- Association of Corporate Counsel
- DUI Defense Lawyers Association
- Maritime Law Association of the United States
- National Academy of Elder Law Attorneys
- National Association of Consumer Advocates
- National Association of Consumer Bankruptcy Attorneys
- National Association of Council for Children
- National Association of Criminal Defense Lawyers

- National Association of Estate Planners & Councils
- National Association of Minority and Women-Owned Law Firms
- National College for DUI Defense
- National Elder Law Foundation
- National Employment Lawyers Association
- National Lawyers Association
- National Lawyers Guild
- National Organization for the Reform of Marijuana Laws
- Women-Owned Law

Legal Support Associations and Events

In addition to lawyer associations, several other industry associations and conferences are valuable for referral relationships from industry leaders who support lawyers and, in many instances, have a seat at the law firm decision-making table as executive directors and C-Suite executives. Legal tech companies and publishers sponsor many of these conferences.

- Association of Legal Administrators (ALA)
- College of Law Practice Management (COLPM)
- Corporate Legal Operations Consortium (CLOC)
- International Legal Technology Association (ILTA)
- International Practice Management Association (IPMA)
- Lawyernomics by Avvo
- Legal Marketing Association (LMA)
- Legal Pricing Academy (Validatum® and Buying Legal Council collaboration)
- Legal Sales and Services Organization (LSSO)
- LegalWeek by American Lawyer Media
- Marketing Partner Forum by Thomson Reuters Legal Executive Institute
- National Association of Legal Secretaries (NALS)

Law Firm Network Alliances

A law firm network alliance is a membership organization consisting of nationally or internationally independent law firms. The common purpose is to expand the resources available to each member law firm. Network alliances target middle-market and big law firms. While there often are speaking opportunities within one's membership network, these groups are even better known for resource sharing and referral network building. As a legal marketer, I have been invited to speak at several of these organizations. The members and their leaders tend to be collegial and resourceful to one another.

- Abacus Worldwide
- ADVOC
- ALFA International
- Eurojuris International EEIG
- Globalaw
- International Lawyers Network
- LEGUS
- Lex Mundi
- Meritas
- Morison International
- Multilaw
- Pacific Rim Advisory Council
- Primerus
- State Capital Group
- TAGLaw
- Techlaw Group
- TerraLex
- The InterLex Group
- The Network of Trial Law Firms
- USA Law Firm Group
- USLAW Network, Inc.
- World Law Group
- World Services Group

The locations and formats for your speaking engagements are endless if you are willing to be creative.

How to Say It

Most lawyers believe they are great public speakers. Often, they are. However, more often than not, they went to law school to learn how to be a litigator and never took a course in public speaking. Lawyers know how to argue a point, demonstrate a point to persuade the judge and jury, and to negotiate. These are all great skills to possess, but they do not always translate well when using speaking engagements as a tool for public relations and business development.

Some of my favorite professors in law school were amazing litigators and possessed the ability to teach and listen. Listening and responding is as important in a presentation as is your topic choice. If you fail to deliver a dynamic presentation, you will

fail to impress your audience. Remember those excruciatingly boring lectures you sat through in law school? Do not be that person.

It is also important to identify the attendee demographics. Ask questions about who is in attendance and what they need from you. Then prepare your program so it is tailored to the attendees and meets their needs.

Once you know who your audience is and what its members need, determine the format and duration of your presentation. You can use PowerPoint® or a podium, flip charts, or a digital whiteboard. What matters is that you avoid relying on tools to deliver your presentation; rather, use them to enhance it.

Prepare a handout. It should have a shelf life: a checklist, a case update, a list of resources. In addition:

- Make sure the handout is branded.
- Do not hand out your firm's brochure and your business card with your materials.
- Include actionable takeaways for your audience.
- Provide a way for attendees to follow up after the program for more information.
- To support the resharing of your thoughts on social media, include the event hashtag (if there is one) and your Twitter handle name in your presentation materials. For example, when I speak at the Legal Marketing Association's National Conference, I include my Twitter handle @ginarubel, the Twitter handles of my co-presenters, and the conference hashtag #LMA19 (used for 2019) in the presentation's footer. This way, people who are in attendance and on Twitter can share thought leadership, opinions, and insights with their followers and others following the hashtag.

How to Leverage What You Have Said for Business Development

Once your presentation is complete, stay afterward to answer questions and have additional conversations with the attendees. Send select attendees a thank-you letter and include additional information that may be helpful. Follow up with those who expressed interest in learning more about you or your law firm or those who expressed concern about a specific matter. Be careful not to solicit business overtly, rather, get to know how you can help those interested and let them know how to reach you if they have a need.

For example, I participated in a webinar hosted by the Legal Marketing Association (LMA) with Stefanie Marrone, director of business development and marketing at Tarter Krinsky & Drogin LLP, and Liz Cerasuolo, director of marketing and business development at Goulston & Storrs LLP. Our topic was "Connecting the Dots Between Business Development and Social Media for Law Firms."

More than 200 LMA members listened to our presentation after which we received feedback, such as:

“Wish that the webinar was longer and could delve deeper into specific topics. Want more examples on how to utilize their advice and recommended tools.”

“Great webinar! I left with several useful tools that I can utilize and share with my team.”

“Great practical advice that can be implemented right away. Very informative slides. Please share.”

“This was one of the best webinars I’ve attended in a while—lots of takeaways!”

“Presenters were not only knowledgeable but gave real case studies to demonstrate points. Tips and takeaways were amazing!”

The feedback prompted us to use our Temi.com transcript to draft and submit an article to the *New York Law Journal* on the same topic (a tactic covered in Chapter 4). The article addressed:

- How to execute or implement an effective social media strategy focused on core areas of differentiation.
- The power of social media to drive business development efforts (with real-life success stories).
- How to better leverage online relationships for lead generation.
- How to use analytics and client relationship management system (CRM) data to refine your content marketing and social media strategy.
- How to become a thought leader and to gain credibility in your particular, often-saturated field.
- How to maximize the power of each of the social media platforms.
- How to ensure that your social media efforts are delivering a long term, tangible return on investment.

Each of us then shared a link to the article via social media, which further capitalized on our original presentation and shared our thought leadership with other legal marketer and lawyers. Since then, the recording and the article have been shared countless times on social media.



CHAPTER 6

SPECIAL EVENTS THAT GET ATTENTION

“It usually takes me more than three weeks to prepare a good impromptu speech.”

—Mark Twain

Public relations is the art and science of proactive advocacy by a company, individual, or brand. It requires strategic management of your position statement and key messages to reach your target audience; and through various tactics such as media relations, it establishes goodwill and a mutual understanding.

In addition to media relations, you can reach your target audience and build relationships in your community through different law firm community relations programs and events.

Consider these examples:

- Celebrate a holiday at a local homeless or women's shelter (this is something we did at Furia Rubel for our 10th business anniversary).
- Educate a business or consumer audience.
- Host a fundraiser for an important local cause.
- Sponsor an art exhibit.
- Sponsor a sports team in a local professional league.
- Issue an impactful research-based report.
- Participate in local bar association events, such as golf outings and 5K races.
- Partner with a nonprofit.
- Perform pro bono work.
- Volunteer time at a local Habitat for Humanity build or participate in a road clean-up.

Strategy Behind Social Responsibility and Law Firm Community Relations

Society expects law firms and corporations to be socially responsible; employees demand it, and consumers expect it. Clients like to see law firms supporting causes that are mutually significant to them. Becoming active in the community is to everyone's advantage and helps law firms differentiate themselves in a crowded marketplace.

Law firm community relations is the task of establishing a connection with the community, while raising and maintaining the firm's general public profile as involved community stewards.

These types of programs are mutually beneficial to both the community and the law firm. From the firm's perspective, a good corporate neighbor initiative improves internal morale and assists with the recruitment and retention of staff and lawyers. From the community's perspective, the organization's actions demonstrate the law firm's commitment to its target audience and the public. When corporate social responsibility activities are publicized and shared via social media, even more goodwill is generated, which increases brand awareness and equity.

For Furia Rubel's 10th Anniversary in 2012, we celebrated with a "10 for 10 Community Service Campaign. We organized and participated in 10 activities throughout the year to embrace our corporate citizenship. Since it is our mission to give back when we can, we celebrated our milestone through pro bono business relationships and service projects.

Besides providing pro bono services to three nonprofit organizations, we founded the Doylestown Township Adopt-A-Road Program and got a total of 10 corporations to participate. We continue to support this program today.

We also hosted a self-defense training program for women in the community, took part in the United Way of Bucks County's Women's Initiative, provided discounted services to the James A. Michener Art Museum for the promotion of the Uffizi Gallery exhibition, prepared and served a meal at the Philadelphia Ronald McDonald House, and supported a 5K at a local church to raise money for a mission project.

Our community service campaign culminated with our anniversary party hosted at the Bucks County Housing Group local pantry and shelter. The invitation was a brown paper bag on which we had a checklist of items needed by the pantry. We asked our guests to fill the bag to attend the event. By the time all of our guests arrived, we had collected more than a ton of desperately needed food items. While serving the community, we had fun and received excellent media coverage.

Law Firm Special Events: Planning for Success

The benefits of special events for your law firm can be abundant. They introduce you as an important player in the community and serve as a vehicle to connect with the public. Planning and consideration of events are the keys to making your community presence a long-term success.

Like any communication to your target audience, each event presents an opportunity for public relations. Know why you are hosting or supporting the event. Ask, "What do I want each attendee to walk away remembering about the law firm?" The preparation and thought you invest will undoubtedly determine whether your event is a success.

Document your plan and checklist so you create a system for duplication each year. This is called "templating."

Make sure the time of your event is convenient for clients, employees, the media, and potential clients (depending on whom you plan to invite). If you are hosting a special guest or dignitaries, determine their availability before you set the date.

A digital invitation is a popular and easy way to keep you and your invitees organized. If your law firm does not have client relationship management software in place, use digital invitation software programs, such as [Evite](#), that help track your invitee list. Such software can be used to send reminders, updates, and to generate excitement.

For example, Jaffe Public Relations demonstrated how to market with compassion at the 2018 Legal Marketing Association Annual Conference. Jaffe transformed its marketing booth into an assembly line devoted to building water filters for the nonprofit group, Wine To Water. Every water filter assembled by an attendee was delivered to Wine To Water instead of the company giving away self-promotional items.

Provided that you approach your corporate social responsibility program with creativity and integrity, and it is part of a robust community service plan, you can promote your law firm by building and reinforcing relationships with your target audience.

You will have a good time and make a difference in the world.



CHAPTER 7

LAW FIRM AWARDS, RATINGS, AND DIRECTORIES

***“Champions keep playing until
they get it right.”***

—Billie Jean King

Law firm award programs can be useful public relations and business development tools. While most legal marketers focus on existing awards and rankings, such as Chambers and Partners, Martindale-Hubbell®, U.S. News Best Lawyers, Best Law Firms, Super Lawyers, Avvo ratings, Legal 500, Lawdragon, and other similar programs, it is also possible to create branded award programs specific for your target audience.

Applying for Awards and Ratings for Lawyers and Law Firms

Your organization or lawyers may qualify for many law firm awards or ratings. In addition to the usual list, look to your local business journals, chambers of commerce, trade publications, nonprofits (such as the Rotary Club and others), and bar associations. Many of these outlets conduct pro bono service, women-in-business, and young leader awards each year. For example, the [National Association of Women Lawyers](#) gives out several recognitions each year to both women and men in areas such as professional achievement, diversity, and leadership. In addition, check national trade publications and the [American Bar Association](#) for additional opportunities.

Apply for awards that recognize community service, pro bono work, websites, firm marketing, innovation and public relations, diversity, and anything else for which your firm or its lawyers stand out. Set aside a budget each year for the applications as they can be costly.

In lieu of a project management system, a simple way to track awards is to use Microsoft Excel or Google Sheets. Include the name of the sponsoring organization and all of its contact information, the early application and final application deadlines, the criteria for application, the fee, your firm's submissions, and the results of your submissions. You can then use this system to manage your law firm awards applications annually. Consider adding critical dates to your calendar, such as the early-bird deadline, the final application deadline, the announcement date, and the event date.

When your firm or a lawyer receives an award, let others know about it.

Write a press release for each award and send the press release along with the headshots (with captions) to your local media, bar publications, alumni magazines, and other affinity groups with publications (print or electronic).

Add the press release and award badges to your website.

Post a link to the press release about the award on social media.

Include the award information in your firm's newsletter.

Include a link in your lawyers' email signatures to the award information on your website.

Leave copies of your press releases in your firm's lobby, conference rooms, and meeting areas.

A great example of a law firm website that includes “Awards and Honors” used to support the firm’s marketing and public relations initiatives is Jenner & Block LLP, which can be found on the law firm’s homepage at www.jenner.com. To showcase recent awards and accomplishments, Furia Rubel features its recognitions on the firm’s “[Who We Are](#)” page, which leads to a separate section on the website specified for awards.

List of Legal Industry Awards, Ratings, and Directories

A partial list of awards, ratings, and directories include:

- Avvo
- Best Law Firms
- Best Lawyers in America
- Chambers and Partners
- Global 100
- Law360
- Lawdragon 500 and Lawdragon 3000
- Leaders League
- Leading Lawyers
- Legal 500
- Legal Experts
- Martindale-Hubbell®
- Multicultural Law Top 100
- National Law Journal 250
- Of Counsel 700
- PLC Which Lawyer? Yearbook
- Super Lawyers
- The American Lawyer AM Law 200
- The American Lawyer A-List
- The Vault
- U.S. News Best Lawyers
- Who’s Who Legal

Creating Awards for Your Target Audience

The premise of a law firm awards program is to celebrate those companies and individuals who exemplify the characteristics that resonate with your firm's culture and target audience. Awards programs should have meaning, be sustainable, and differentiate your firm and its lawyers.

The title of the award is paramount as it needs to reinforce your firm's brand and still be unique. When creating an award, consider your firm's business development and public relations goals.

Ask:

- Are we trying to reach a niche industry or market segment?
- Are there any prominent figureheads in our industry or firm for whom the award should be named?
- What type of award aligns with our firm culture?
- Is there an innovation, program, or methodology that has helped people, the community, or target industry that can be acknowledged?
- What criteria will demonstrate the characteristics of the award?
- How can the award reinforce the messages we use to differentiate our firm?
- What exactly is the award? Does it have monetary value? Is it a donation to the awardees' charities of choice? Is it pro bono service for a year to a nonprofit? Is it a plaque or statue?
- What are the promotional opportunities regarding the award?
- Will the award require an application process?
- Who will judge the applications or decide on the recipient?
- How and where will the award be presented?
- What are the marketing, business development, and public relations opportunities?
- What is the budget?

Stoel Rives LLP, a full-service U.S. business law firm in the Pacific Northwest, created the Utah Innovation Awards in 2002. The annual Utah Innovation Awards program aims to highlight the cutting-edge and innovative work being done in Utah and the creative minds behind it. The program is organized and hosted by Stoel Rives LLP and the Utah Technology Council (UTC).

Nominees in the Utah Innovation Awards program undergo a strict evaluation process by their peers and leaders from Utah's business and academic communities. This process is distinct from those used by other programs in the state and results in awards that reflect the esteem of leaders within the individual innovation areas.

Over the years, the firm's Innovation Awards program has grown and been replicated in various cities where Stoel Rives LLP has a significant presence.

The Sacramento Region Innovation Awards recognize the vibrant innovation community in the Sacramento area—from startups to established companies—and their breakthrough creations. Founded in 2016, the program is organized and hosted by Stoel Rives LLP, with support from the Sacramento Business Journal and Moss Adams LLP, a regional accounting firm.

According to Jasmine Trillos-Decarie, Chief Client Service Officer of Stoel Rives LLP, “The Stoel Rives Innovation Awards spotlight successful innovations from startups and veterans alike, and aims to strengthen business stories, build regional economies, and stimulate the creative minds fueling the innovation ecosystem in many of the cities where Stoel Rives has a significant footprint.” Trillos-Decarie added, “The innovation awards are a highlight for not only the companies receiving the awards, but for the judging panels, Stoel Rives attorneys and staff, and our business and media partners.”

Making the Most of Your Awards Program

Each stage of communications surrounding an award lends itself to public relations, marketing, and business development opportunities.

If an award includes a call for applications, the request should be distributed to a strategic audience including the lawyers in your firm, referral sources, industry thought leaders, clients, and others. The request can be shared on the firm’s website, via email, on social media platforms, through print and digital advertising, and in various other ways.

If the judges are selected from a pool of qualified candidates internally and externally, judges meeting are an excellent opportunity to bring people together and network. Judging panels should include firm, industry group, and practice area leaders, key executives within the industry, prospective clients who do not qualify for nomination, and others. After the first year, judges should include past recipients as well.

Once the awardees are chosen, there is an opportunity to announce the recipients in advance of a recognition event using the same communication channels that you use to announce the call for applications; and again when the event is publicized.

Your prospects and clients believe in ratings, directories, and awards programs even if you do not. Take advantage of these opportunities.



CHAPTER 8

MEDIA OUTREACH TOOLS

***“Wise men speak because
they have something to say;
Fools because they have to
say something.”***

—Plato

Media relations starts with the relationship your firm develops with journalists, editors, reporters, and media outlets. It is a strategic process of developing relationships that may lead to media coverage in newspapers, magazines, television, radio, and online. Legal industry journalists and editors often reach out directly to lawyers and to public relations professionals to help provide story ideas, identify subject-matter experts and sources to interview for background information, and visual imagery.

To receive media attention on relevant and timely stories, learn how to persuade the media to cover your topic. Pitching is the art of communicating a story idea, guest speaker, or news item to the media to gain publicity. To pitch your news and story ideas, become familiar with various law firm media relations tools.

In Chapter 3, I identified the protocol for media pitching. Now, let's look at the various ways to do it.

The Straight Pitch

The straight pitch is used when you have news or a story to share, and you will focus on a select number of media outlets to hopefully tell the story. I typically draft talking points and then call the reporter with whom I have an established relationship. There often are times when written communication is unnecessary and we do not recommend a press release, for whatever reason, and the story will be more compelling when shared directly.

For example, a Furia Rubel client had received Women's Business Enterprise National Council certification for which Furia Rubel drafted a press release, but there was a much more compelling story behind it. This law firm was only three years old, is woman-owned, and its growth in revenue and number of lawyers had increased inordinately. The firm was doing great things in the community and had an incredible growth story. We verbally pitched the story to a local legal beat reporter who covers the business of law, and the reporter liked it. The reporter requested an in-person interview with our client. At the time of writing this article, the growth story is pending for publication.

The Press Release

The press release is a valuable media relations tool that can be used in a variety of ways to strengthen your message via various forms of outreach. It also helps you develop your key messages and ensures that everyone in your firm agrees to the language you plan to use to communicate your message.

Also known as a news release, a press release is a concise tool most commonly provided to the media to generate public awareness and interest about a story or news. It should convey the who, what, when, where, why, and how of your story. It is the written document designed to present the most newsworthy or attention-grabbing aspect of the story you are pitching.

Written in the third person, a press release should demonstrate the newsworthiness of a particular person, event, service, or story you are trying to communicate. When writing a press release, consider the audience. Some press releases are written just as content for a law firm's website. Others are written as a media pitching tool (which is what this chapter is about). If you are planning to send the press release to the media, make sure that it is actually newsworthy.

To determine its newsworthiness, ask:

- Will this news matter to anyone outside of the law firm?
- Does this news make a difference?
- Would you read this if it did not involve your law firm?

Situations that often warrant the use of a press release include:

- Lawyer lateral hires | promotions to partner
- Lawyer board appointments | positive election outcomes | political appointments
- Awards | substantial rankings
- CLE presentations | seminars | speaking engagements
- Executive and management changes
- Law practice management initiatives
- Legal matter resolutions, settlements, verdicts, court decisions (Caveat: You must have your client's permission to share news publicly about legal matters. Do not rely on verbal approval. Ask your client to approve the press release for messaging and factual accuracy.)
- Marketing initiatives
- Mergers and acquisitions
- New business wins
- Practice group acquisitions
- New office openings | firm expansions | new practice areas or industry groups
- Nonprofit or pro bono involvement
- Publication of scholarly writings, white papers, and books

Research what your target media outlets are reporting on to confirm that they might be interested in your story.

If you decide you have something newsworthy, your press release should follow industry guidelines to help the media identify and clarify who you are, what your story is about, and how they can contact you for more information.

Using the Press Release for Law Firm Business Development

Although the press release typically is used for media relations and press coverage, it also can be used to create a buzz, generate awareness, and develop business. In addition to remaining top of mind with the media, communicate your messages to clients, prospects, colleagues, friends, family, and referral sources. The more often these audiences hear your firm name, the more likely they will remember your firm when they need legal services.

Ways to leverage a press release in addition to using it as a media relations tool include:

- Send the press release to current and prospective clients, business partners, referral sources, family, and friends as “Firm News” in an electronic alert or as part of a newsletter.
- Include the press release on your firm’s website.
- Share a link to the press release on your website on social media.
- Send the press release to all of your firm’s employees via email and encourage them to pass the news along to their contacts.
- Share the press release on your firm’s intranet.
- Make copies of the press release and leave them in your lobby.
- Include copies of your more important press releases in your firm’s press kit, newsletters, and leave-behinds.
- Have extra copies of your press releases available to attendees of your seminars and at your trade show booths when relevant.

Notwithstanding the type of news, a press release can be used in many ways as a law firm business development tool to increase awareness of your law firm and its offerings, communicate your services, differentiate your firm, retain current clients, and generate new business.

Writing the Law Firm Press Release

Many factors go into writing a good press release and will influence the amount and type of coverage your news will receive. Follow industry standards so your communications are effective.

Include the date and time your news is to be released: The recipient of your press release needs to understand the time sensitivity of your news. Tell the reporter when it is okay to disseminate the information. Common language to provide this information includes:

- FOR IMMEDIATE RELEASE
- FOR RELEASE BEFORE [DATE]
- FOR RELEASE AFTER [DATE]

This language should appear at the top of the press release and be all caps, underlined, or bold. Include a dateline in bold. The dateline is listed at the beginning of the first paragraph with the city, state abbreviation, and date of the news' origin.

For example, Philadelphia, Pa. (Sept. 27, 2018). (Sample press release follows.)

Datelines for small firms will likely be where the firm is located; however, if the firm is handling litigation in another jurisdiction and you want media coverage where the matter is taking place, use that city and state in the dateline. The same holds true for big firms; if your news is relevant to each office, change the dateline in the press release when sending it to media outlets in different cities and states to convey relevance.

State abbreviations: Two of the most commonly used stylebooks used for writing public relations materials are The Chicago Manual of Style and The Associated Press Stylebook (AP). Each provides recommendations for writing styles that are most commonly used in the news industry. Furia Rubel defers to AP style, which states that the names of the 50 U.S. states should be spelled out when used in the body of a story, whether standing alone or in conjunction with a city, town, village, or military base.

Include contact information: It is irritating to a reporter or editor to receive an interesting press release without contact information. When sending a press release via email, place the contact name, business phone number, cell phone number, and email address at the top of the message.

Include an attention-grabbing headline: An attention-grabbing, creative, and clever headline is imperative. The headline must entice the recipients to read your release but should not be quirky or silly.

To write better headlines, read the headlines featured in newspapers, magazines, blogs, and any other media outlets you are trying to target. Headlines are meant to tell the story and catch the reader's attention in a few short words. In the age of digital media, we call that "click bait."

For example, you announce that attorney Jane P. Doe is joining the Philadelphia law firm of Buck & Fawn P.C. as a partner in the insurance defense litigation practice. The headline should read:

“Insurance Defense Litigator Doe Joins Buck & Fawn as Partner in Philadelphia”

Tailor the headline to the outlet: Tailor your headline to each media outlet so each will know why your story pertains to it or its audience.

Assume Jane Doe is a member of the American Bar Association. The release sent to the editor of its internal newsletter or member publication should have a headline reading:

“American Bar Association Member Jane Doe Joins Buck & Fawn as Insurance Defense Litigation Partner.”

The same holds true for alumni publications, newspapers from the town where Jane Doe resides, and other affinity organizations such as diversity and ethnic publications.

Include a sub-headline to add value: A sub-headline can be a useful tool when used properly. The press release subhead provides an opportunity for you to incorporate your news angle and further catch the reporter’s attention without taking away from the headline. In the case of Jane Doe, assume she is a lateral hire and left another prominent national law firm, Gelding & Mare. The subhead could read: “Doe Leaves Gelding & Mare to Head Buck & Fawn’s Insurance Defense Practice.”

Provide the news value: Tie your press release topic into the news. Come up with story angles that will be interesting for reporters; tell them why their readers will care about this information and how the story will benefit their audience.

Continuing with the Jane Doe example, this would be the perfect opportunity to capitalize on the industry trend of reporting lateral changes. There were more than 40 uses of the word “lateral” on Law.com in the last two weeks.

If your press release is just informational, keep it short. For example, if you are pitching your local business journal, the news has to be of value to business readers. Ask why a reader would care about your law firm’s story. Then, use your answer to craft a sentence or two about the news value of your story and how it relates to the business industry regionally.

Summarize the release in the first paragraph: Also known as the press release lead, the first paragraph should tell the recipient what the release is about. Get to the point. The first paragraph should answer who, what, when, where, and why. If the reporter is crunched for time, he or she can include just the basics of your story in a news item. Include figures to emphasize the size of the deal, damages claimed or won, increase in revenue, or any other quantifiable fact you have included in the press release. Many local newspapers include blurbs about local business news without going into detail. If the first paragraph of your press release says: “Jane P. Doe, Esq., joined the law firm of Buck & Fawn P.C. as a partner heading the insurance defense litigation practice.

Doe will work from the firm's headquarters in Philadelphia," and that is all that the outlet picks up, then you have told the entire story.

Keep it short and concise: Typically, a press release should be one page. Stick to the facts and use only enough words to tell your story. Publications have space restrictions and may need to cut off the last paragraph. Therefore, make sure you have the most important information first, followed by more details that may be interesting but are not crucial. Always write clearly, using proper grammar and spelling.

It is also okay to draft the press release one way to be shared with the media and to expound on the information on the version that is added to your website and shared with your audience via social media and other means. The website version of your press release should include additional keywords and phrases, links to internal and external content, internal links of related news, and relevant practice areas and industries to enhance the search engine optimization value (the SEO score) of the content.

Avoid jargon and excessive adjectives: The reader is not looking for fluff, and, unless you are writing to a legally trained reporter, the use of legalese is distracting. Steer clear of unnecessary adjectives, fancy language, overstated claims, or superfluous expressions, such as "superior services" or "extremely experienced and qualified." Such language raises red flags as fluff with a reporter and can get you into trouble with your state's ethics board.

Check your facts: Confirm that your information is correct. If you have already issued your press release and you made a mistake or if the facts change along the way, let the reporter know.

Include a quote: Quotes help to make the press release more personal and add value to the tool. Some publications will never run quotes unless they have been verified by a reporter or editor at the publication. This holds true for most of the national and legal trade print publications. However, many local newspapers will run your press release verbatim.

Continuing with the Jane Doe story, a valuable quote would come from the hiring or managing partner of Buck & Fawn P.C. explaining why Jane was hired, the value she brings to the firm, and how this benefits the firm's clients.

Use names in your release: Include the most important people in your news story. Write out the person's full name and title on the first reference in the release. For the online version, link to the individual's profile.

Uses Jane P. Doe, Esq. on first reference. After that, Jane Doe is referred to by last name only: Doe. Do not use Ms. Doe or Mrs. Doe or Jane. Not including a prefix is extremely uncomfortable for some lawyers and something our team has had to explain time and time again. And even after having explained it ad nauseum, lawyers love to red line press releases and change conventions to their own preference.

Using only the last name is not the case when writing biographies for your law firm's website or client communications. Other than in media communications such as

press releases, name conventions depend up your firm's culture, the types of clients you serve, and how previous materials have been written (for consistency).

Include a boilerplate: A boilerplate is the standard block of text used at the end of the press release. Your firm's boilerplate should be consistent and used for all press releases. It should be reviewed and, if necessary, updated at least quarterly. The boilerplate should contain a brief description of your firm and should always be included in press releases sent to the media or issued on news wires. On the other hand, it is the firm's preference as to whether the boilerplates are included on the website version of the release. Some prefer it for productivity, consistency, and SEO, while others do not.

Buck & Fawn's boilerplate might read:

Buck & Fawn P.C. is a national law firm of more than 1,000 attorneys specializing in civil defense litigation. Founded in 1919, Buck & Fawn is headquartered in Philadelphia, and maintains offices in Akron, Ohio; New York City; Wilmington, Del.; and Los Angeles, Calif. Buck & Fawn has successfully defended clients ranging from Fortune 500 companies to VC-funded start-ups. Capabilities include insurance defense, employment matters, contract disputes, and SEC litigation. For more information, go to www.BuckFawnLaw.com.

Indicate that there are no more pages to the release: After the main body of the release and boilerplate, skip a line and in the center type #####. This end notation lets the reporter know that there are no more pages to the release when printed. It is an archaic but often necessary convention.

Research the intended recipient of your press release: Before sending a press release to the media, research the reporter or editor you are targeting. Make sure the reporter or editor is the correct individual to receive the release. You can go to the outlet's website, use a paid media database source, or pick up the phone and call the publication to ask.

FOR IMMEDIATE RELEASE

Buck & Fawn P.C. Attorneys at Law
Contact: Judy Smith, Communications Director
215.555.0212 | judysmith@buckfawnlaw.com

**Doctors Leaving PA: Insurance Defense Lawyer Jane Doe
Says Medical Malpractice Lawsuits Must Be Capped**

*Insurance Defense Lawyer Will Address the Current State of Malpractice
Liability Insurance in Pennsylvania for Insurance Companies, Medical
Providers, and Health Care Institutions*

Philadelphia, Pa., Aug. 10, 2019 – Jane P. Doe, Esq., Partner, Buck & Fawn P.C., met with Gov. Edwin D. Roobell and other state officials and industry leaders to examine the current availability and cost of medical malpractice liability insurance for physicians in Pennsylvania. Doe provided a defense attorney’s perspective on these issues, stating that “medical malpractice lawsuits must be capped because doctors are leaving Pennsylvania at a record pace, making access to good health care impossible in the Commonwealth.”

Pennsylvania’s medical malpractice insurance industry has been in a state of flux for the past decade. As headlines warn that physicians are leaving the state due to the increasing cost of malpractice insurance, opponents of tort reform contend that the situation is not as dire as it appears. Recently, an industry nonprofit completed an in-depth study into the state of malpractice liability insurance in Pennsylvania. Government officials and industry leaders are now poised to examine the results and chart a path designed to benefit health care consumers and physicians.

Doe highlighted that physicians are leaving Pennsylvania at an alarming rate due to the high prevalence of medical malpractice lawsuits and soaring insurance costs. Physicians in eastern Pennsylvania have seen their annual malpractice premiums more than double, in some cases to more than \$100,000 per doctor.

The discussion at the Harrisburg Government Building was heated.

Doe has represented insurance providers and insureds for more than two decades. She recently joined defense firm Buck & Fawn P.C. as a partner in the Insurance Defense Litigation Group. Notably, Doe successfully represented a major hospital in a \$5 million medical malpractice matter where she proved that a plastic surgery patient had a pre-existing condition that led to his death.

Buck & Fawn P.C. is a national law firm of more than 1,000 attorneys specializing in civil defense litigation. Founded in 1919, Buck & Fawn is headquartered in Philadelphia, and maintains offices in Akron, Ohio; New York City; Wilmington, Del.; and Los Angeles, Calif. Buck & Fawn has successfully defended clients ranging from Fortune 500 companies to venture capital-funded start-ups. Competencies include insurance defense, employment matters, contract disputes, and Securities and Exchange Commission litigation. For more information, go to www.BuckFawnLaw.com.

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Your law firm press releases should be newsworthy and different from your competition. If you follow the strategies and tactics provided here, get ready to see some great results.

Wire Distribution of a Press Release

Once you know how to pitch the media and put the media to work for you, you can use additional tools, such as wire services, strategically.

Wire services, both paid and free, serve the purpose of providing the media with information they have requested on certain topics. However, unless you are a large organization or your news is extraordinary, using a national wire service is not likely to get your story covered. Wire services will help get your law firm's story out online and onto websites that curate their news from the wires.

Wire services include:

- Associated Press (AP.org)
- Black PR Wire (Blackprwire.com)
- Business Wire (Businesswire.com)
- Hispanic PR Wire (Hispanicprwire.com)
- Legal Newswire (Law.com/legalnewswire)
- PR Newswire (Prnewswire.com) by Cision
- PR Web (www.prweb.com) by Cision
- Reuters (Reuters.com)
- West Marketwired (Marketwired.com)

The Law Firm Media Photo

Including a high-resolution photo or two with a press release will add greater impact and news value to your story, not only for the readers but also for the editor when deciding which stories to cover. If you have a professional photo of a person or event that you can attach to a release, it will help your chances of getting coverage.

Include photos that illustrate the news in your press release for visual effects. A press release with a photo attached is four times more likely to be read. Small publications like to receive photos with press releases because it enables them to publish photos without having to send a photographer or reporter to take pictures. Larger publications also like to receive photos because, in addition to adding interest to a story, photos help the writer authenticate the story or event.

Headshots are used to highlight the people featured in a news story. Professional, up-to-date headshots should be kept on file. They have a shelf life of four to eight years (depending on how often you change your hairstyle). If your headshot is more than eight years old, it's time to ante up and get a new one.

A photo shoot can be a fruitless venture if you are not properly prepared. This checklist will ensure a smooth photo shoot and a desirable result.

- Have a professional do your makeup and hair (yes, everyone needs makeup—regardless of gender).
- Show expression: Let your eyes do the talking. Smile when it is appropriate. Use your body language to express your sentiment. Look into the camera.
- The focus is on you, not on what you are wearing: Dress in simple, solid-colored clothing. Avoid patterns or wearing all one color. Layering with a collared shirt or jacket allows you to look professional and vary your look easily from shot to shot.
- Refrain from wearing bulky jewelry or accessories that will take the spotlight off of your face.
- Expect that the shoot will take 30 minutes to an hour. Allow plenty of time so that you are not rushed or stressed.
- Remember that the photographer is a professional. This person will use their skills and experience to create the best photos for your needs.
- Practice your facial expressions (smile, no smile, teeth showing, serious, empathetic) in a mirror.
- Have several shirts and jacket options and bring them all with you on the day of the shoot.
- Get plenty of sleep the night before the shoot.
- Relax and have fun. Your picture will reflect that.

When it comes time for you to get your headshot taken, remember that it does not have to be a stressful undertaking. Arrive prepared and be yourself. If you do your part, the professionals involved can easily create some pleasing visuals for you.

Submitting Photos to the Media

As already indicated, a headshot illustrates one person. However, it is often necessary to send a photo that captures an event or illustrates your case. When you send event photos, make sure you know the editors' preferences. Some editors would rather receive candid shots taken in the style of photojournalism. Other publications—especially trade journals and business journals—will want you to send the standard business photos.

Give your photo a descriptive name: When sending a digital photo, make sure the name of the image depicts exactly who or what it is. For example, if you are sending a headshot of attorney Jane Doe, name the photo “JaneDoeEsq_BuckFawn_2018.” If you send IMG_001, there is no way to identify that IMG_001 is a photo of Jane Doe, especially if the photo is forwarded on to another person at the publication.

Include a descriptive caption: Include a descriptive photo caption following the boilerplate. Include the subject of the photo, the names, and titles of the people in the photo, and where it was taken. Give attribution to the professional photographer. Since we read from left to right, your photo caption should (if depicting people) state, “From L to R: Name 1, Name 2, Name 3,” and so on. Photo credit: [NAME OF PHOTOGRAPHER].

Additional tips for sending digital photographs include:

- Find out the publication’s size requirement for digital images. Most publications require 300 dpi, 5” x 7” images formatted as JPEG or TIF files.
- Use the name of your company, event, or the person pictured to save the photo.
- Make sure the editor or reporter accepts attachments, as many email filters do not.
- If your office can upload photos to the law firm’s website, include a link to the photo page at the end of your press releases. This is a great way to share captioned photos with the media. It allows them to choose which photos best illustrate the story. They should be given the choice to download high- or low-resolution copies of the images for use with their publications.
- Use online file-sharing tools like Dropbox when possible. It is also possible to send photo options using photo galleries like Flickr, iCloud, Google Photos, Shutterfly, SmugMug, 500px (used by professional photographers), Facebook, Amazon Prime Photos, or Photobucket. Although the media cannot always download a digital file from these sites, they can tell you which photos they would like you to send. This form of communication should be used sparingly as it adds more work for the reporter. But if you have a good relationship, the reporter will likely want to look at the photos and make their own choices. Take the time to include information about each photo (names, location, date).

The Backgrounder

The law firm backgrounder is an informational document that provides in-depth background material about a firm, person, place, issue, or story. With legal communications, the backgrounder should include information about the firm, its lawyers, and the news you are disseminating.

The hallmarks of a good backgrounder are accuracy, conciseness, and comprehensiveness. Backgrounders serve to introduce the law firm, a lawyer, a news item, nonlegal experts, practice areas, service offerings (such as seminars and continuing legal education programs), and the management team. They also make it clear why you are contacting members of the media.

Public relations practitioners use backgrounders to provide reporters, editors, and interviewers with enough information on a subject to conduct a thoughtful and intelligent interview. They provide supplemental information to the press release, which needs to be short and succinct.

Usually not more than a few pages (two to five), the backgrounder answers anticipated questions about the particular subject. The more information, the more prepared you will be when the media calls. This is especially true when dealing with complex legal issues and matters that have been the focus of media scrutiny. The backgrounder, when used, often accompanies a press release.

When drafting a law firm backgrounder:

Repeat your concise statement of the issue: The statement of the issue that is the subject of your press release should be repeated as your opening statement.

Provide a historical overview: Follow the opening with a historical overview of the matter. Keep it tight and organize it either chronologically or in another order that will make sense to the reader. Describe the story's evolution—give it perspective. How did it start and what were the major events leading up to its conclusion or resolution?

Cite your sources: If you refer to other materials, such as books, websites, or news items, cite your sources.

Include other thought leaders: A backgrounder is used to provide just that: background. Such information also includes additional sources for a complete story. For example, let's say Jane Doe just completed a U.S. Supreme Court appellate argument regarding a case of first impression, which resulted in a favorable outcome for an insurance provider. Doe's backgrounder should not only detail the issues but also should provide the name and contact information of the insurance company's spokesperson, insurance industry experts, and, if appropriate, opposing counsel and other lawyers who might add depth to the reporter's story. Do not forget, if you are planning to issue any statement or information regarding a case handled by the firm, you must first get your client's permission.

Provide relevancy: Explain why the issue you are highlighting is relevant today. Ask, "What is the significance? Why does this matter today? Who cares?" Then, back up your relevancy statement with facts.

Include the lawyer's experience: Rather than clutter the press release with a full-page biography about Jane Doe, include her full biography in the backgrounder. This is a great place to list Doe's involvement in other cases that add depth to the issue at hand.

Include a firm overview: Include an overview of your law firm. No matter the size of your organization, there is a law firm behind you, even the sole practitioner. Include an overview to provide perspective, even if it is identical to your website "about us" information.

Organize your backgrounder with subheadings: Use subheads where appropriate to organize your information and make it easier to read. Based on the tips provided here, your subheads should include Issues, Historical Overview, Relevancy and Facts, Additional Sources/Commentators, Lawyer Biography, and Firm Overview.

The Opinion Editorial (Op-Ed) and Letter to the Editor

Writing op-eds and letters to the editor should be used sparingly. They are highly effective for marketing and should be republished on your law firm's website. Refer to Chapter 4 on how to write op-eds and letters to the editor.

The Q and A (Frequently Asked Questions or FAQs)

Questions and answers, a.k.a. FAQs, can be used in myriad ways in your public relations efforts. One way is to draft frequently asked questions (FAQs) and their answers to provide to members of the media.

FAQs can be used to optimize your website or to prepare you and other members of your law firm for questions the media might ask in specific situations.

Keep a notebook next to your phone and write down common questions you are asked about your law practice. Then draft your answer so that when a reporter interviews you about your practice, your answers are organized and available.

The Fact Sheet

The fact sheet is similar to a backgrounder. It provides background information but, more specifically, it provides facts that support the news you're sharing with the media. The fact sheet must be short and concise.

Though fact sheets can be standalone, they are more commonly submitted along with a press release or media kit. Include the basic who, what, when, where, why, and how, a contact name, information, and a subject line or title.

Returning to the fictitious firm of Buck & Fawn, look at a fact sheet detailing an event at which the new partner, Jane Doe, will be a featured speaker. Doe is slated to address medical malpractice defense issues at her state's health care summit. Her law firm would like the media to cover Pennsylvania's Medical Malpractice issues in favor of medical and insurance providers.

FACT SHEET

Buck & Fawn P.C. Attorneys at Law

Contact: Judy Smith, Communications Director
215.555.0212 | judysmith@buckfawnlaw.com

June 10, 2019

The Pennsylvania Medical Malpractice “Crisis”

Jane P. Doe, Esq., Partner, Buck & Fawn P.C., and Gov. Edwin D. Roobell will meet with state officials and industry leaders to examine the current availability and cost of medical malpractice liability insurance for physicians in Pennsylvania. Doe will provide a defense attorney’s perspective on these issues.

When: Oct. 10, 2019, 10 a.m.

Where: Harrisburg Government Building, 11 North 3rd Street, Harrisburg, Pennsylvania.

Information: This program is free, but all attendees are required to register in advance by Oct. 1, 2019. To register, call Judy Smith at 215.555.0212.

FACTS:

- Physicians are leaving Pennsylvania at an alarming rate.
- Malpractice insurance costs for physicians are rising.
- A recent Public Citizen report shows that only 4.7 percent of doctors are responsible for 51.4 percent of all malpractice payments.
- A U.S. Department of Health and Human Services report says that the malpractice crisis is threatening access to care.
- Doctors spend 3.2 percent of their income on malpractice costs.
- Pennsylvania physicians, particularly specialists, pay up to five times more for malpractice coverage than their colleagues in neighboring states.
- Physicians in eastern Pennsylvania have seen their annual malpractice premiums more than double, in some cases more than \$100,000 per doctor.

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The Calendar Listing

The calendar listing is a tool used to get a free listing of an event or program mentioned by media outlets that provide information for upcoming events to their audience. Calendar listings are issued in advance of an event. They should increase awareness and attendance. If your event is by invitation only, a calendar listing should not be issued.

Determine by when and to whom your listings should be sent. There usually is a calendar or events editor assigned to this information for print publications. Television and radio stations usually accept calendar listings via their websites only.

The length of time in advance of the event is determined by the frequency of the medium and their editorial management preferences.

If you want the calendar listing in a monthly print publication, you may need to provide it as early as 90 days in advance. Weeklies often require two to three weeks, and dailies usually require at least one week's notice. Many websites provide the ability to upload the information yourself and, once approved (usually within 24 hours), will post your listing online.

Let's look at a calendar listing for an event using Jane Doe's speaking engagement. Doe is slated to address medical malpractice defense issues at her state's health care summit. Her law firm would like insurance companies, medical providers, and in-house counsel from health care institutions to know about this speaking engagement.

CALENDAR LISTING

Buck & Fawn P.C. Attorneys at Law
Contact: Judy Smith, Communications Director
215.555.0212 | judysmith@buckfawnlaw.com

June 10, 2019

Jane P. Doe, Esq., to Provide Insight into Pennsylvania Medical Malpractice “Crisis” at Pennsylvania Health Care Summit

Insurance Defense Lawyer Will Address the Current State of Malpractice Liability Insurance in Pennsylvania for Insurance Companies, Medical Providers, and Health Care Institutions

Who: Jane P. Doe, Esq., Partner, Buck & Fawn P.C. will join Gov. Edwin D. Roobell, state officials, and industry leaders to examine the current availability and cost of medical malpractice liability insurance for physicians in Pennsylvania. Doe will provide a defense attorney’s perspective on these issues.

When: Oct. 10, 2019, at 10 a.m.

Where: Harrisburg Government Building, 11 North 3rd Street, Harrisburg, Pennsylvania.

Information: This program is free. All attendees are required to register in advance by Oct. 1, 2019. To register, call Judy Smith at 215.555.0212 or go to www.buckfawnlaw.com/register81009.

Why: Pennsylvania’s medical malpractice insurance industry has been in a state of flux for the past decade. As headlines warn that physicians are leaving the state due to the increasing cost of malpractice insurance, opponents of tort reform contend that the situation is not as dire as it appears. Recently, an industry nonprofit completed an in-depth study into the state of malpractice liability insurance in Pennsylvania. Government officials and industry leaders are now poised to examine the results of this research endeavor and chart a path designed to benefit health care consumers and physicians.

About Jane P. Doe, Esq.: Jane P. Doe, Esq., has been representing insurance providers and insureds for more than two decades. She recently joined leading defense firm Buck & Fawn P.C. as a partner in the Insurance Defense Litigation Group. Notably, Doe successfully defended a major hospital in a multimillion-dollar medical malpractice matter.

Buck & Fawn P.C. is a national law firm of more than 1,000 attorneys specializing in civil defense litigation. Founded in 1919, Buck & Fawn is headquartered in Philadelphia, and maintains offices in Akron, Ohio; New York City; Wilmington, Del.; and Los Angeles, Calif. Buck & Fawn has successfully defended clients ranging from Fortune 500 companies to venture capital-funded start-ups. Competencies include insurance defense, employment matters, contract disputes, and Securities and Exchange Commission litigation. For more information, go to www.BuckFawnLaw.com.

The Media Advisory

The media advisory is most often used to entice members of the press to attend an upcoming event. Much shorter than a press release, a media advisory covers who, what, when, where, and why. Unlike a press release, a media advisory is not meant to be a pseudo-news story. Rather, it should be a succinctly written enticement similar to a save-the-date notice, which alerts reporters and editors to a future event or story opportunity.

Media advisories are typically sent out in advance of a press conference.

Your media advisory is meant to persuade reporters to attend your event. It should not provide so much information that a reporter could write the story without showing up. Keep the advisory to one page and do not include too many details. It is common practice to lead with an engaging headline (and possibly a subhead). Conclude the advisory with the same boilerplate you would place at the end of a press release.

This time, Buck & Fawn's goal is to get members of the media to attend the program in Harrisburg, Penn., so take a look at a media advisory at right detailing the event at which Jane Doe will be a featured speaker:

Additional tips to help you issue successful media advisories:

- Send your advisory approximately four weeks in advance of the event so reporters can plan to attend.
- Resend the advisory the day before the event.
- If there will be a photo opportunity, live video feed, or other visual opportunities, include that information in your advisory.
- Keep the advisory to one page.
- Issue your advisory in the body of the email, not as an attachment.
- As with a press release, conduct research to ensure that the advisory is sent to the appropriate editors and reporters the way they wish to be contacted.
- Include directions and information about parking, refreshments, and accommodations.
- Follow up with a phone call as the event date approaches.

A media advisory should be punchy and enticing. You want to convince the press to attend your event or cover your story. Keep it short and let them know why your item is worthy of attention.

MEDIA ADVISORY

Buck & Fawn P.C. Attorneys at Law
Contact: Judy Smith, Communications Director
215.555.0212 | judysmith@buckfawnlaw.com

June 10, 2019

Attorney Jane Doe to Address Reporters and Provide Insight into Pennsylvania Medical Malpractice Crisis at Pennsylvania Health Care Summit

Insurance Defense Lawyer Will Address State Officials, Industry Leaders, and Media as They Examine the Current State of Malpractice Liability Insurance in Pennsylvania

Who: Jane P. Doe, Esq., Partner, Buck & Fawn P.C.

What: Attorney Jane Doe and Gov. Edwin D. Roobell will meet with state officials, industry leaders, and the media to examine the current availability and cost of medical malpractice liability insurance for physicians in Pennsylvania. Doe will provide a defense attorney's perspective on these issues.

When: Oct. 10, 2019, at 10 a.m.

Where: Harrisburg Government Building, 11 North 3rd Street, Harrisburg, Pa.

Why: Pennsylvania's medical malpractice insurance industry has been in a state of flux for the past decade. As headlines warn that physicians are leaving the state due to the increasing cost of malpractice insurance, opponents of tort reform contend that the situation is not as dire as it appears. Recently, an industry nonprofit completed an in-depth study into the state of malpractice liability insurance in Pennsylvania. Government officials and industry leaders are now poised to examine the results of this research endeavor and chart a path designed to benefit health care consumers and physicians.

The attorney and firm boilerplates should follow.

The Press Kit

A press kit, also known as a media kit, is a vital tool in public relations. It is a collection of information about your organization, your news story, the individuals, the issues, and the experts who can discuss the matters that affect you and your target audience. It should be used as a way to provide more details to the media, not as a primary tool to pitch to the media.

Press kits are especially vital in working with journalists. They save time and improve accuracy by providing the information that journalists need for their reports.

What to include in your press kit:

- Biographies of key firm leaders
- Copies of relevant news clippings and reprints
- Fact sheets
- Firm backgrounder
- Mission statement
- Photos
- Q&As
- Recent press releases

When using a press kit as a media tool:

Include a cover letter: The cover letter should indicate what is included in the kit and whom to contact for additional information.

Keep press kits on hand: Press kits will not help you if you do not distribute them. Keep press kits on hand at the office, at trade shows, at community events, and at relevant company events. Make your press kit readily available to each news outlet you encounter. Make a note on your website that press kits are always available to members of the media. Provide an email link for media requests or make the press kit available on your website as a downloadable file.

Use branded materials: Use firm letterhead and other branded collateral for each element of the press kit. It is professional and ensures that your contact information and firm brand is clearly associated with the press kit.

Keep it current: Update your press kit frequently by including current press releases and news coverage. Publications want the latest, most up-to-date information about your firm.

The Press Conference

The press conference involves someone speaking to the media at a specified time and place. The speaker controls the information they deliver and the media invited. There is a presumption that the speaker will answer questions posed by the media or other attendees.

Press conferences should be conducted sparingly unless you are a district attorney who handles high-profile matters of import to the general public.

To determine when to host a press conference, ask:

- Will this story excite the media?
- Who cares about the topic?
- Does it involve death, scandal, consumer fraud, corporate misconduct, or criminal activities?

- Does it have the “Cosby appeal” like the story shared in Chapter 2?
- Have your target media outlets covered similar topics in the past?
- Does your story have a wide consumer audience appeal?
- Is there a visual element to your story, a sympathetic cause, or a story that demands social justice?
- What kind of audience cares about the topic? Remember, not every trial result makes sense for a press conference.

As a rule of thumb, the only time a press conference makes sense is if your story warrants television coverage. Otherwise, it is more efficient and less expensive to contact individual members of the media with your story and to host an event at your office or off-site location.

Preparing for Your Press Conference

As with any event, go through a strategic planning process. A press conference must be well planned and strategically executed to be successful. It is not just whom you invite but when you invite them that makes a difference.

For example, if you want to get coverage on the evening news, plan your press conference between 10 a.m. and 11 a.m. That will give the reporters and camera crews enough time to attend your program, script their voiceovers, edit the video, and have it on the production floor in time for the evening news. It is rare that your press conference will be covered live unless it is a matter that is taking place on the courthouse steps in a case that has high publicity appeal.

If you are going to host the press conference at your office, town hall, or other similar venues, determine the logistics of space and time. Consider seating, parking, and minimal refreshments.

If the press conference is in your law firm’s office, make sure other clients’ files are secured and not in plain view of your attendees.

Consider the backdrop behind the speaker or signage on a podium. If there are wide-angle photographs taken, everything comes into view.

Is your firm name and logo visible?

Are there any distractions?

If you are at the site of an incident or at a corporate location, is there a view that tells the story?

Hire a professional photographer and videographer to capture the press conference. You will have the images and footage for other use; and if all heck breaks loose in another story on the same day as your press conference, you will have b-roll video to share so they may still cover your story.

The personal injury firm of Feldman Shepherd Wohlgelernter Tanner Weinstock Dodig LLP engaged Furia Rubel to help clear the name of a client, Walter Logan, a wrongfully accused Pennsylvania contractor who was ridiculed in a highly publicized matter.

Furia Rubel organized and executed a press conference at the firm's Philadelphia office, which provided Logan and his lawyer, John Dodig, with a public forum to clear Logan's name and help him repair his reputation as an upstanding businessman.

We reached out to all media outlets and specific reports that had covered the original arrest. They all came to the press conference.

The press conference generated more than 40 broadcast and print placements, which yielded an estimated 3.5 million media impressions. We are confident that Logan's reputation was no longer in question.

The following items must be addressed when planning a press conference:

- Targeted media invitation list
- Location, date, time, and duration
- Media advisory and directions
- List of speakers with printed biographies
- Press kits
- Prepared Q&A for speakers
- Media training for speakers
- Refreshments and rental needs/seating for media
- Sound system and podium or lectern (conduct a sound check)
- Banner/backdrop with firm name and logo for photos
- Photographer
- Videographer
- Visuals
- Parking
- Follow-up

As with all law firm public relations efforts, identify what you want to accomplish. Once you know your goal, you can choose the media outreach tools that will accomplish your objectives. They are not all meant to be used at the same time, and not every tool is right for every message.

Choose strategically, just as you would when choosing which evidence to present to opposing counsel in negotiations, or to the judge or jury at trial.

A dense, repeating pattern of various icons related to business, technology, and communication. The icons include lightbulbs, gears, speech bubbles, magnifying glasses, bar charts, arrows, and computer monitors, all rendered in a light gray color against a darker gray background.

CHAPTER 9

LEAVING A LASTING IMPRESSION

“If your business comes from relationships, relationships should be your business.”

—Doug Ales

Lawyers have countless encounters with target audiences on a daily basis and have the power to control messaging in person, online, on social media, and over the phone. Create messages that will help you leave a positive, lasting impression.

The 10-Second Introduction

Also known as an elevator speech, a 10-second introduction is a clear, brief statement about who you are and how you can benefit your target audience. This short statement about who you are and why you matter should coincide with how you want people to perceive you: your reputation.

People move fast these days and have shorter attention spans than ever, so articulate who you are and what you do quickly and effectively before you lose the attention of your audience.

Communicate quickly and effectively. Have a compelling and creative statement. Use it when you meet people for the first time and they ask about your business, as your outgoing voicemail message, in your prospective client meetings, at the conference table, and just about anywhere you discuss your business.

Most lawyers find it challenging to produce a solid introduction. All professionals should have something effective to say that is prepared, rehearsed, and ready when networking, contacting the media, or talking to a prospective client or employer.

Start with a brief and memorable introduction. State who you are, what you do, who you represent, and how your work benefits others. Make it easy to understand and compelling enough to leave the listener wanting to know more. If done well, your introduction should invite more detailed and qualifying questions.

For example:

“I’m Mary Smith, a criminal defense attorney. I represent and defend the rights of the well-known in the glare of national media attention.”

or

“I’m Mary Smith. I serve as counsel for famous and often unsympathetic defendants, such as Michael Cohen, who has been implicated in a major scandal. I work to get a fair trial despite public pressure and media bias.”

Both introductions leave the listener wanting to know more about the attorney, which should lead to a more detailed and memorable conversation.

Do:

- Understand that every word matters.
- Be specific.
- Engage your listeners, grab their attention, and get them interested in the conversation.

- Be familiar with the benefits to your listeners (what is in it for them).
- Concentrate on what the listener wants and needs to hear.
- Keep in mind your tone of voice.
- Be enthusiastic.
- Invest time to revise your personal statement as you gain experience.
- Keep your introduction current.
- Keep your introduction short.

Do not:

- Summarize your job description and call that your introduction.
- Use general language or jargon.
- Sound like a salesperson.
- Speak in a monotone voice.
- Memorize your introduction word for word.
- Cross your arms and look down at the floor while speaking.
- Compare yourself or your company to your perceived competition.
- Appear rehearsed.

When you are networking and meet someone for the first time, you have only a few seconds to make a memorable impression—make the most of it.

The Social Media Profile

Social media has changed the way lawyers communicate and connect with one other and with their target audience. While not all social media platforms align with your public relations and business development strategies, they are worth exploring for growing your network of new contacts and building relationships with current and potential law firm clients.

Social media is a vehicle for thought leadership, validation (focus on your target audience), retention (post actively and frequently), and lead generation (share links to relevant content).

When was the last time you looked at the details of your social media profiles?

Review and update LinkedIn as often as possible. LinkedIn is a social media tool for professionals looking for opportunities to connect with other professionals. Make sure your profile is complete. Include a full experience description in the first person and a complete work history. Include a professional headshot. Relationships and trust are vital to landing new clients, and social media is an excellent tool for establishing and maintaining relationships globally.

“ Review and update LinkedIn as often as possible. LinkedIn is a social media tool for professionals looking for opportunities to connect with other professionals. Make sure your profile is complete.”

Eighty percent of social media business-to-business leads come from LinkedIn. The key is to establish a credible presence and create relevant and valuable content to reach your target audience effectively. Then engage with that audience through social media. Chapter 10 covers social media in greater detail.

The Voicemail Recording

What does your voicemail message say about you?

When was the last time you listened to your outgoing office or cell phone voicemail messages?

While email, texting, and social media seem to be the prevalent forms of communication these days, a voicemail is still often the first time someone interacts with you. Before recording your voicemail message, write down what you plan to say.

Make sure your voicemail is recorded in a quiet environment and is professional, friendly, energetic, informative, and compelling.

Avoid making the mistake that so many lawyers make, which is to have someone else record the voicemail message. That just screams, “I’m too busy for you.”

An example of a professional voicemail message is:

“Hello. You have reached the voicemail of Jo Smith. I am unable to come to the telephone. Please leave me a message. I will get back to you as soon as possible. If this is an urgent call about an existing or new legal matter, please call my cell at 215.222.2222 or send an email to jo.smith@smithlaw.com.”

The Email Signature

An email signature is the block of text attached to an email message that typically contains contact information, such as your name, title, company name, phone, mobile, email, and website address (Fax was left out because it is antiquated and rarely used in businesses today).

Using an email signature helps convey your brand and is akin to sending out your business card each time you email someone. It is also a sign that you are a professional and conveys legitimacy of your position and brand. If everyone in your establishment

uses the same email signature style, you are presenting a sense of unity for your law firm. This is usually the case with big law firms, which control the lawyers' email signatures; however, some small- to mid-size firm lawyers do not include any information after their names.

You can use your email signature in a variety of ways, such as restating your company mission, linking to a news article about you, your company or something you have recently published, sharing accolades, and more. If you will be presenting at an open-forum conference, let the recipient know. It is the easiest and least expensive way to reinforce what is going on with your law firm and your clients without being intrusive.

Example:

Sincerely,

Jo Smith

Civil Rights Attorney—Dedicated to Protecting Your Rights and Liberties
Smith & Smith PC

1234 Main Street | Ourtown, PA 12345

215.222.2222 | Jo.Smith@smithlaw.com | @Jo_Smith

Civil rights lawyers protect individuals and groups from discrimination and other civil rights violations. My job is to uphold freedoms of speech, religion, and assembly, and the rights to petition the government, to procedural due process, and to be free from discrimination.

DISCLAIMER ([Link to a disclaimer page on your website](#))

What it comes down to is accepting that there are myriad public relations opportunities for lawyers to communicate directly with clients, prospective clients, referral sources, and others every day.

Each interaction should be meaningful.



CHAPTER 10

SOCIAL MEDIA ENGAGEMENT

“The biggest daily challenge of social media is finding enough content to share. We call this ‘feeding the Content Monster.’ There are two ways to do this: content creation and content curation.”

—Guy Kawasaki

Since the early 2000s, social media engagement has grown exponentially. While social media platforms come and go, some stick and others do not. Much like Friendster, which launched in 2002 and shut down in 2015, social media platforms expected to proliferate like Google+—which was a failed venture.

Do you remember Eons, Diaspora, Orkut, or Xanga? Most people do not.

For some, it is hard to imagine a world without social media.

In 2003, MySpace was the popular social media engagement platform on which individuals set up profiles and made friends. In the same year, LinkedIn launched for professional networking; and as of December 2018, LinkedIn had 500+ million users in 200 countries. Of those using the platform monthly, up to 40 percent are accessing LinkedIn on a daily basis.

Facebook launched in 2004 and soon became a social media giant with more than one billion active users.

Twitter, which launched in 2006, was inspired by the popularity of text messaging. It had 326 million monthly active users worldwide as of the third quarter of 2018. For the first time in years, that number appears to be on a decline.

What Is Social Media Engagement and Why It Matters to Lawyers

For most lawyers, if you are not on social media of one form or another, there are missed opportunity costs. Social media has changed the way lawyers communicate and connect with each other and with their target audience. While it remains a valuable legal marketing tool, social media engagement can be a challenge to navigate if not handled strategically and systematically. Law firms should require all lawyers to use LinkedIn, at the very least, as part of their business development efforts. Law firms also should provide the lawyers with social media training, have social media policies (this is covered in greater detail later in this chapter), and subscribe to tools that will assist with LinkedIn engagement (such as ClearViewSocial).

In 2018, 68 percent of U.S. adults used Facebook, nearly double the users on Instagram (35 percent), and almost the combined total users of Twitter (24 percent), Pinterest (29 percent), and LinkedIn (25 percent). However, just because most U.S. adults use Facebook, that does not mean it is the right social media tool for you or your law firm.

Each social media platform has a different audience. Lawyers and their law firms need to know where their audience is communicating before jumping into the fray.

Consider these statistics:

- 76 percent of adults looking to hire attorney lawyer go online (*LexisNexis*)
- 73 percent of in-house counsel use LinkedIn as a listening and research tool (*Greentarget/Zeughauser Group's 2017 State of Digital and Content Marketing Survey*)
- Social media is the number one driver of website traffic (*Shareaholic*)
- 45 percent of traffic to law firm websites is driven from LinkedIn (*Law Firm Suites*)

You do not need to be everywhere for effective social media engagement, but you do need to understand where your audience members are, where they communicate, and the types of content that will get their attention.

According to Guy Kawasaki, a marketing specialist, author, and Silicon Valley venture capitalist, there are two types of content sharing: content creation and content curation.

Much of this book focuses on content creation, such as articles, blogs, and letters to the editor, all of which should be shared on your social media networks. What about content curation?

Content curation is the process of identifying, gathering, and sharing digital content in a specific subject matter. If you are already on social media, you see curated content every day. We share links to news stories, articles, and blogs. We share quotes and images posted by others. We retweet posts of interest to our audience and ourselves.

Unlike content creation, content curation includes amassing content from a variety of reliable sources and sharing it strategically.

LinkedIn is most popular with professionals. Twenty-five percent of adults use LinkedIn. Therefore, LinkedIn can be an excellent tool for engaging with businesses, current and potential clients, and law firm recruits.

Begin with one or two platforms. Do your research. Listen to what your clients, prospects, and colleagues are saying, and evaluate how your competitors are communicating. Then continue to expand your network, participate in conversations, and showcase yourself as a thought leader in your practice area or industry. Remember to connect on the platforms professionally where you know your specific audience is engaging on social media.

Get to know which social media engagement platforms are most likely to reach your target audience. Set goals regarding your use of these platforms. Always ensure that the information you share on social media is relevant to the audience on each platform.

GCS LOOK AT SOCIAL MEDIA



General Counsel are looking at social media. According to the State of Digital and Content Marketing Survey, 73 percent of in-house counsel use LinkedIn as a listening tool to stay informed of the latest news, developments, and conversations.

The Benefits of Social Media Marketing

While many Generation X and Baby Boomer lawyers still question the benefits of social media, communicating responsibly and ethically on these platforms can transform your law practice.

The benefits of social media engagement for legal marketing, public relations, business development, and reputation management include:

- Access to marketplace insights
- Brand building, exposure, trust, and awareness
- Business development and lead generation
- Client retention
- Community relationship development
- Crisis management
- Development of loyal admirers
- Differentiation
- Discovery and research
- Exposure to relevant media and engagement with them
- Growth of business partnerships and referral sources
- Increased law firm exposure
- Increased share of voice
- Increased thought leadership, authority, influence, and exposure
- Increased traffic to the firm's website, blogs, and other online content; SEO
- Lead generation
- Message management of public issues such as high-profile litigation
- Real-time communications
- Reputation management
- Transparency

It is up to you if you wish to capitalize on these benefits by engaging in social media marketing.

How Law Firms Can Manage Social Media Engagement

When managing your social media profiles, use best practices for law firm social media engagement.

- 1. Determine your goals:** Review the law firm's marketing goals and set simple, measurable objectives. One goal may be to gain a better understanding of your target audience; another may be to learn how to use a social media platform that is new to you but interests your target audience. Ask:
 - What do you or your firm want to accomplish using social media?
 - What are your/the firm's business goals and can they be supported through social media engagement?
- 2. Conduct a social media audit:** Conduct a social media audit to determine the target audience, engaged audience, protocols, and budget needed for social media. Know your audience and who is engaging, or interacting, with the law firm. Research what is said about your law firm. An easy way to do this is to set up Google Alerts for your law firm and clients. Also, search your firm name on Google, Facebook, LinkedIn, Twitter, and Instagram. Ask:
 - Who is the law firm's target audience (noting that this will vary by practice area and industry)?
 - What protocols and policies are in place to manage social media engagement effectively?
 - What types and sources of content are available for social media engagement (content sharing)?

One useful tool on Facebook and LinkedIn is groups. Once you join a group on social media, you can monitor conversations about your interests, practice areas, industries, clients, and other relevant topics. Then, participate in the conversation.

- 3. Research where people are talking about your practice areas or industries:** Law firms may assume that LinkedIn will be the best social media platform for their targeted audience. Research your practice areas, industries, and competitors on LinkedIn, Twitter, Facebook, and Instagram to see where your target audience is engaging the most.
- 4. Develop a Content Strategy:** Develop a content strategy you can commit to and keep. Create social media posts that will engage your audience and meet your social media goals. Ask:
 - What type of posts will work best to meet your law firm's goals?
 - Which social networks will work best to reach your audience?
 - How and when is your audience engaging on social media?

Include the use of visual images (photos, videos, infographics) in your social media content strategy. Posts with images get exponentially more engagement.

When using images, try to use proper sizes for each social media platform. There is an excellent social media image sizes cheat sheet infographic published by [SocialMediaToday](#) in March 2019.

Law firms can use many sources of content for social media engagement. Consider any or all of the following for content inspiration:

- Case studies
- Charity events
- CLEs and seminars
- Client news
- Firm news and videos
- Industry news, stories and trends
- Media coverage about your firm, its lawyers, and clients
- Memos of law
- Practice area FAQs and myths
- Supreme court decisions
- Trending issues relevant to your target audience
- Trial briefs

You also may wish to consider sponsored content on the various social media platforms.

Sponsored content is a form of paid advertising, which allows your firm to push content out to your target audience, not just the limited number of people who see your posts organically. Sponsored content looks like editorial and for all intents and purposes, is editorial; however, it is served to the people you want to serve. Sponsored content should be interesting, inspiring, or educational, just like any other form of written or visual content you are sharing in any medium. It can be shared in many formats, including articles, videos, images, and infographics, which typically perform well and generate engagement. Many law firms sponsor content. Just look at any social media platform and you will find “sponsored content.”

5. **Implement marketing tactics.** Implement tactics, such as creating an editorial calendar to schedule, track, and edit posts. Editorial calendar content can be scheduled in advance except for immediate content. Make sure that all of your blog posts, media mentions, press releases, events, speaking engagements, webinars, articles, and podcasts are included on your editorial calendar.

Tools, such as Co-Schedule, Buffer, and Hootsuite, can be used to schedule social media content for law firms. Remember that visuals are imperative to online success. Social media posts with images and videos get 94 percent more views than social media without visuals. Using hashtags (#) allows the user to

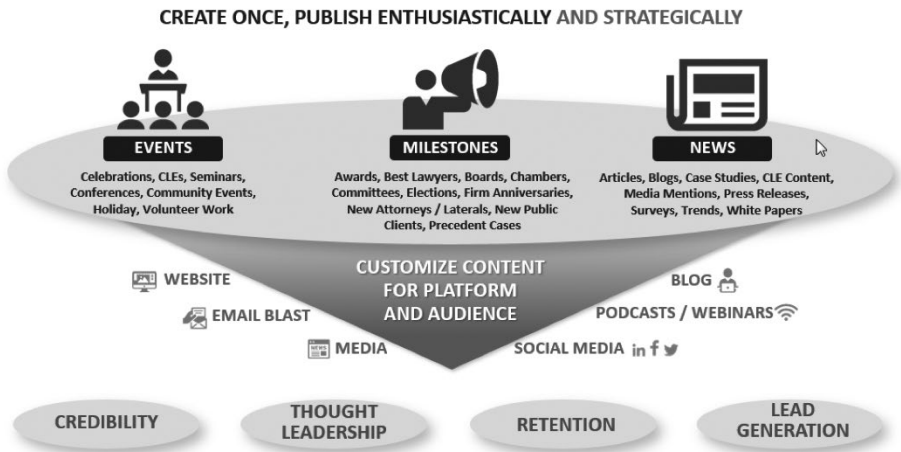
search for anything relevant to the hashtag. To find the most popular hashtags, check out hashtagify.me.

CAUTION: Use caution when prescheduling posts for social media. Someone must be aware of what is scheduled at all times and how it can be misconstrued in light of breaking news. The last thing you want to do is congratulate a client for their work with a public entity the same day that public entity has received negative press. Being aware and monitoring your scheduled posts will help you avoid appearing tone deaf, insensitive, or just plain ignorant to what is going on in the world.

6. C.O.P.E.S.: Create Once, Publish Enthusiastically and Strategically. Many digital platforms are available to help you repurpose your recently published article, as well as blogs, CLE content, topics within briefs and memos of law, memoranda, client alerts, and other forms of useful content.

- Post a recently published article on your website as a media mention with a teaser and a link to the full story (for copyright); then share your website's media mentions on social media platforms, such as Facebook, LinkedIn, and Twitter to help drive traffic back to your website.
- Share your media mention in an electronic newsletter or alert, driving traffic back to your website and social media platforms.
- Repurpose your content as a blog post making sure that it is different from the published article to avoid violating copyrights and share it on social media.
- Take the vital points from your article and write a guest post for a client or other blogs and share those on social media.
- Create a video on the same topic as your article and upload it to YouTube. Not only do videos provide SEO value, but they also build trust and appeal to mobile users.
- Create a PowerPoint presentation using statistics, quotes, and thought leadership. Share on SlideShare for additional opportunities for social media engagement.
- If you have a lot of data in your presentation, create infographics. Piktochart and Canva are useful tools to help create engaging visuals for your data and talking points.
- Include a link to the article in your email signature for a few weeks: "Read my latest article on law firm differentiation for ALM's Mid-Market Report." Do not forget to link to your social media profiles, too.
- Consider hosting a webinar that will allow you to present your topic and engage your audience in conversation and share it via social media.
- Write an expert Q&A relating to your original article. Ask several experts to answer a question about the topic, then publish their answers as a new post, linking to your old post, and sharing via social media.

Here is a visual of what law firm content marketing and social media engagement using C.O.P.E.S. looks like:



As long as you have added value to your original content, you can use these suggestions to repurpose content.

7. **Get lawyers and staff involved in social media engagement.** One of the challenges of social media is getting lawyers and staff to engage on the various social media platforms. Teach lawyers and staff how to get online, connect, share, re-tweet, and re-post timely, relevant, and valuable content. This does not just pertain to content about your law firm; it also should include material about the lawyers in your firm, your clients (when not confidential), your industry, your practice areas, articles, stories by journalists that you follow, and much more.
8. **Monitor, track, and adjust.** Monitor, track, and adjust your social media messaging to allow the law firm to determine whether the audience is engaging and to adjust messages and timing accordingly. Use relevant tools and apps to track engagement and refine plans based on the data results to focus on what is working best. Once you find what works best in your social media engagement, repeat it.

Social Media Engagement Policies for Law Firms

Law firms should develop social media policies and smart, ethics habits regarding social media engagement. Have a social media policy on hand. Educate lawyers and staff members about the policies.

Elements of a social media policy include:

- **Acceptable Use:** Acceptable use policies outline a law firm's position on how lawyers and staff are expected to represent the firm on social media, restrictions on use for personal interests, and consequences for violating the policy. Acceptable use may encompass the law firm's purpose in establishing and maintaining social networking platforms.
- **Account and Content Management:** Account management policies provide guidance on the creation, maintenance, and deletion of social media accounts.
- **Employee Access:** The employee access addresses which staff members will have access to the law firm's social media platforms. The policy should caution employees not to expect privacy while using the internet on any law firm-owned computer, cell phone, or other internet-equipped electronic devices.
- **Employee Conduct:** The employment code of conduct should include three rules of engagement:
 1. Your presence in social media must be transparent through disclosure.
 2. Protect your employer and yourself.
 3. Use common sense and remember that professional, straightforward communication is best.
- **Legal Compliance:** Policies should include rules of ethics and legal marketing for law firms. Address intellectual property when researching and using content that you find on the internet. If you use content or images, provide proper credit.

NOTICE: The ABA Model Rules relevant to law firm communications changed in 2018. The ABA has revised Model Rules of Professional Conduct 7.1–7.5 relating to lawyer advertising. Resolution 101 passed in August 2018. While most states have not adopted the changes as is just yet, keep in mind that the rules have changed. Chapter 12 addresses legal marketing ethics in detail.

- **Security:** Law firms should work with their Information Technology staff to ensure that the social media policy includes necessary guidelines regarding the security of data and technical infrastructure for new uses, users, and technologies related to social media. The technology concerns addressed in the policy may focus on password security, functionality, authentication of identity, and virus scans.

- **Privacy:** Many social media platforms allow users to set their privacy settings, which often cover areas including who viewed their profile, who can post comments and other content on the profile, and who can search for their social media page or channel. Although the vast majority of these privacy concerns apply to individual users, business users should be equally as conscious.

Make it a short-term goal to create a thorough social media policy that will protect the law firm.

Debunking the Myths of Law Firm Social Media Engagement

While it remains a valuable marketing tool, social media can be difficult to navigate. The new online way of interacting has changed the way lawyers communicate and connect among themselves and with their target audience. In the legal community, countless myths keep lawyers from accepting the full value of social media engagement.

If you are not yet convinced of the importance and benefits of social media engagement, debunking these myths should do the trick.

Myth: No one trusts social media, so why should I even bother?

There's a pervasive idea in law firms that social media doesn't work because no one trusts it, but social media can be an excellent tool for establishing and maintaining relationships globally. While it may not work for all law firms, it could work for yours. Research different social media platforms to find out which platforms best fit you and your target audience. Social media engagement will vary by practice area, industry, and sector.

Myth: Social media is too time-consuming, hard to manage, and complicated.

You do not have to spend a lot of time managing your social media platforms to reap the legal marketing and business development benefits of listening to what contacts are saying and staying up on the latest trends.

All social media engagement is based on the core principals of informing, educating, and entertaining audiences. Valued content on the right platform is a universal requirement if you want to make the best use of your social media engagement.

Myth: Social media metrics are meaningless, hard to track or measure.

Social media is a platform to build your firm's brand, promote the great work of your lawyers, and promote your areas of practice. Each platform has various tools built in for tracking impressions, click rates, engagement, and demographics. There also are third-party tools like Google Analytics that make it easier to track your website's traffic, visitors, pageviews, and referrals. WordPress also has an analytics tool to help you track and measure data. Hootsuite and HubSpot have reports on metrics and trends that provide a holistic analysis on what is happening to your content and website's

performance, email campaigns, lead nurturing, and contacts in sales funnels to help you measure data. If someone is engaging with you on social media, you can assume the person is interested in you or your firm, or could be a competitor.

Myth: Social media is just a place to push out content.

When tracked and measured, it is possible to show real return on investment to prove you are getting business from your work. Monitor and listen to see what your clients are doing and saying.

Furia Rubel client, Willig, Williams & Davidson, which is a union-side law firm in Philadelphia, created a social media committee. Members draft new and timely content, share relevant news stories, and engage on hot-button issues on their Facebook page. When the firm shared a Supreme Court decision that affected one union, it garnered 6,636 views, 36 shares, and more than 30 positive comments within hours. In addition, Bloomberg Law interviewed Lauren Hoye, one of the firm's labor attorneys, as a result of a Google search that brought up a relevant blog she published and shared via social media.

Myth: Social media does not affect the bottom line or bring in business.

You cannot always show an ROI on social media engagement. Have a strategy that is aligned with your goals and includes talking to the right audience in the right places. Use Google Analytics to show trends and validate that potential clients are going to your website through social media.

The Future of Social Media Engagement

No one knows what is in store for social media or what the next best social media idea will be. What we know for now is that social media is here and likely to stay.

With the constant changes in technology, it will be interesting to see how social media continues to change our daily work and personal lives.

For now, smart lawyers and marketing-savvy law firms are strategic and systematic with their relevant and timely social media engagement.

The Chartered Institute of Public Relations (CIPR), the European equivalent to the Public Relations Society of America (PRSA), says, “Public Relations is about reputation — the result of what you do, what you say and what others say about you. It is the discipline, which looks after reputation, with the aim of earning understanding and support and influencing opinion and behavior. It is the planned and sustained effort to establish and maintain goodwill and mutual understanding between an organization and its publics.”

The essential language in CIPR’s definition is that PR is about “the *results* of what you do, what you say, and what others say about you.”

So why measure results? What are the benefits to public relations measurement?

Throughout this book, I have talked about the intersections among marketing, public relations, and business development and how public relations must support the overall business goals of the firm. By measuring your PR efforts, you will:

- Gain insights to aid future investments and decision making
- Get a clearer picture of how your business is perceived
- Prove the value of your PR campaigns in reaching your business objectives
- Identify which tactics are working and which are not
- Refine your campaigns to improve the outcomes of your PR efforts
- Evaluate performance to plan successful future PR strategies, set your budget, and refine your KPIs.

Chapter 2 explains the steps in public relations planning. The very last step calls for measuring public relations outcomes, because, “If you do not measure the effect of your public relations, you are only half-communicating. You created a solid public relations plan, targeted your audience, identified your positions, crafted your messages, laid out your calls-to-action, and executed a long list of tactics. But you are only three-fourths of the way there. To complete the process, you must measure the results. Without measuring results, you are wasting the money you spent on creating and implementing your plan.”

During the planning phase, you would have defined the SMART goals and the measurement metrics you plan to use. The metrics must support your overall business goals, and your goals must define which metrics you use. Pay attention to coverage, exposure, reach, placement, demand, impact, calls, leads generated, and new business.

Ask the following questions:

- What were our original goals and have we achieved them?
- What has happened because of our PR efforts?
- How are we tracking the success of our PR efforts?
- How can we improve our PR efforts?

Public relations measurement and evaluation are essential to determining the effectiveness or value of a strategic plan or effort. It remains the most discussed, evolving, and challenging issue in the public relations industry.

In the short term, public relations measurement and evaluation involve assessing the success or failure of programs, strategies, activities, or tactics by measuring the outputs, outtakes, and outcomes against a predetermined set of objectives.

In the long-term, public relations measurement and evaluation involve assessing the success or failure of much broader efforts that were formulated to improve and enhance the relationships that lawyers and their firms maintain with key constituents.

There is no all-encompassing research tool or technique that will measure and evaluate public relations effectiveness. Measuring media content, for example, can provide insight into how much exposure your messages received, but it cannot by itself measure whether your target audience responded to the messages.

With all of this in mind, let's reconsider the general public relations objectives for lawyers listed in Chapter 2:

- Increase awareness about your law firm and services
- Build name recognition of your law firm, the lawyers, and services
- Increase new business and profits
- Retain or grow existing client accounts
- Acquire prospective clients in a new market segment
- Develop employee goodwill
- Garner media attention
- Generate referrals from other lawyers

How are you going to determine if you have met these objectives?

Track New Business to Its Origins

With the pressure to be competitive and retain and win more clients, law firms know that they must thoroughly execute their communications plans. But many small- and mid-size firms do not take the time to learn where their business originates (this does not refer to the lawyer who brought in the business or signed the engagement letter, but how the client got to the lawyer in the first place).

How do you know for certain that 35 percent of your new cases came from referrals, or that the CLE your law firm hosted did not result in any new clients? If you do not ask where each lead comes from (its origin), you are only doing half the job. For lawyers, this evaluation should be simple—given that we learn how to evaluate causation early in our legal education.

Remember: There are two types of causation in the law: actual and proximate (or legal) cause. Actual cause (*i.e.*, cause-in-fact) is determined by the “but for” test:

THE 3 OS: OUTPUTS, OUTTAKES, AND OUTCOMES

- **Outputs:** The most basic form of measurement, outputs measure what we produced and how we did in producing it. Was it on time? On budget? On message? Adhering to ethics standards?
 - **Outtakes:** Outtakes focus on who was reached instead of what was produced. How many people read the article? How many people viewed the article on the website? Who downloaded the white paper? How many media outlets showed up for the press conference?
 - **Outcomes:** The most challenging and essential form of measurement, outcomes look at what behaviors changed as a result of your PR efforts. Who called the office for more information? Who became a client as a result of your PR? Who referred new business? Which clients increased their business as a result of the thought leadership? Did you generate more qualified leads year-over-year?
-

But for the action, the result would not have happened. Stated more simply, “But for the [INSERT PR TACTIC HERE] in the XYZ matter, ABC client would not have known about our firm’s prowess in its industry.”

Then there is the proximate cause, which is an action that produced foreseeable consequences without other intervention.

With public relations, to determine how a prospect became a client requires several foundational elements and best-practice processes. Otherwise, it is almost always a guessing game.

Consider what happens when a prospect calls your law firm. Here are a few of the scenarios:

1. General consumer client is looking for a lawyer to handle a personal matter. She heard about your firm and calls the main number. Then what? Let’s say your firm has 10 practice areas and this person is seeking an estate lawyer but doesn’t have a name. What happens next?
2. General consumer client from scenario 1 (above) calls the firm’s main number but knows she wants to speak with attorney Lotus Blossume because she was listed on the website as the firm’s chair of its estate practice. What happens next?
3. General counsel was referred to your corporate law firm to discuss whether the firm would like to participate in a request for proposal for aviation litigation support. General counsel does not remember the name of the lawyer she should talk to. What happens next?

4. General counsel from scenario 3 (above) calls attorney Sivad Regnol directly because the general counsel was referred to Mr. Regnol by a former law school classmate. Then what?

In scenarios 1 and 3, the receptionist has to decide who will get the call. However, has the firm provided the receptionist with the requisite training to ask certain foundational questions and to capture the answers? Or has the firm left all information-gathering responsibilities to the lawyers or their support staff?

In scenarios 2 and 4, it is up to the lawyer to document how the prospective client came to the firm. What processes do you have in place to ensure that the lawyer captures all the right information—not just the client's origination?

What about the prospective leads who call but do not convert into new business? How does the firm track those opportunities and from where they originated?

What if your receptionist asked how the caller heard about your firm and recorded the response in a database or the firm's client relationship management (CRM) system? What if you found out that your firm received 10 calls from your most recent seminar, but none was converted to a client? Then you could re-evaluate your marketing efforts. Instead of asking why your seminar did not generate leads, you would focus on why those 10 prospects did not convert to clients. Did you target the right market? If so, was there a failure somewhere between intake and closing the deal with the potential clients? And do you have systems in place to follow up with the lead and find out?

In the same situation, let's suppose that plenty of people attended your seminar, but no prospects called your firm afterward. If your audience was well-defined and your messages were on target, why did the seminar fail to make an impact? Did you ask attendees to review the seminar? If so, the answer may lie in their evaluations. If not, put your evaluation, tracking, and measurement programs in place to determine the value of your programs. If your seminars do not result in leads, maybe seminars are not the best way to reach your target after all—or the topic covered may not be the best for your audience.

I spent more than a year speaking at national legal conferences on social media engagement for lawyers. The programs were heavily attended and the evaluations were stellar. Attendees loved the content and asked tons of questions. But the phone never rang. Not a single prospect called to ask how Furia Rubel could support their social media efforts. What I finally determined is that it had nothing to do with the topic, the presentations, or the audience. In this case, it came down to the need. Most law firms to whom we were speaking had the resources in-house to handle their social media engagement and did not need to outsource the services. They simply needed to learn how to make their social media efforts more efficient and effective. Therefore, no new business. The following year, I started focusing on crisis planning and training for law firms; and as you can guess, the tides turned. I spoke at the same conferences to the same audiences. This time, the leads came in more feverishly

and a good portion of the business converted to new clients. Immediately following the U.S. college admissions scandal in 2019 that implicated one of Willkie Farr & Gallagher's partners, I was contacted by a reporter from The American Lawyer to discuss the firm's public handling of the matter. The article, "Willkie, College Admissions and the Crisis Management Playbook," quoted me three times throughout the analysis of the situation.

As you can see, failing to measure your results could leave you wasting time and money when you create and implement future marketing and public relations plans. Your investment is only of value when you track, measure, and evaluate its effectiveness.

Public Relations Measurement Lingo

Whether you engage a professional media measurement firm or do it yourself, here is the lingo to know:

Awareness (a.k.a. message impact): Awareness or message impact measures awareness, attitude, and behavior changes that may have resulted from your public relations efforts. This is usually measured via surveys or focus groups but can be gauged through general feedback received from your PR programs if your budget is limited. Comparative studies are required to determine whether there have been any changes in audience awareness and comprehension levels. This can be accomplished through before-and-after quantitative surveys, tests, control group studies, focus groups, qualitative depth attitude surveys of target audience groups, and multiple studies that rely on observation, participation, and attitudinal evaluation.

Comparative ad equivalency: The most controversial of all public relations measurement tools, comparative ad equivalency (also known as advertising value equivalency (AVEs) and value for placement) measures the financial value of the media coverage you received as a result of your public relations campaign. It compares what it would have cost to advertise in the same media space, whether it is print, broadcast, or online. The problem is that you are not comparing apples to apples. First, advertising values are always negotiated and are almost never purchased at the one-time rate used for ad equivalency metrics; and the actual value or credibility score of a story where you are quoted as opposed to an ad you placed is much greater. If you are going to rely on measuring ad equivalency, at the very least, use "audited data," which is the average cost of a media purchase, as opposed to "rate card data."

Competitive analysis: For trade publicity, competitive analysis is valuable. Review all articles in your target publications to measure the amount of coverage you have garnered in comparison to your competitors during the relevant time period prior to your public relations efforts. Contrast current levels of coverage with this measurement to demonstrate the heightened coverage your firm has attained because of your public relations efforts. The most efficient way to do this is to use a media monitoring tool that provides "share of voice" metrics. Share of voice is explained in more detail below.

Leads generated: Leads generated calculates the number of prospective client leads produced following your public relations campaign. This could be the number of leads

that were generated as a result of a media story, the number generated as a result of a CLE program, or any other public relations tool/campaign that the firm is using in its communications arsenal.

Media content analysis: Media content analysis studies, tracks, and analyzes the content of your public relations messages as they appear in print, television, radio, and online communications. The prime function of media content analysis is to determine whether your key messages, concepts, and themes were disseminated to others via the media. The variables considered in this analysis include the medium, the placement of your message, the mention of the lawyer's or firm's name, the subject of the placement, and the subjective value of the overall piece.

Media coverage: Media coverage measures the number of successful placements, type of media within which the clips are found, and the audience who reads/views that media.

Media demand: Media demand is determined by whether the media proactively responded to the press materials that you supplied. Did reporters call? Did you land interviews? Did the television cameras roll? Over time, did the media reach out to you or your firm's lawyers as a source for quotes?

Media mapping: Media mapping visually demonstrates local, regional, or national media placements. Create a map of the United States and use "dots" or other markers to indicate where placements have appeared. This can visually demonstrate a large number of placements overall (many dots) or a well-controlled regional placement in a localized campaign (clustered dots).

Media reach (a.k.a. media exposure): Media reach measures the number of people receiving communication via the media, also known as the number of media impressions. To calculate print reach, determine circulation numbers for all publications carrying your messages. This is the raw number of subscribers who were exposed to the story. Multiply print circulation numbers by a "pass-along" factor of 2.5 to determine the number of readers potentially exposed to your story. For some publications, the pass-along rate is much higher; however, it is a publication-by-publication and region-by-region evaluation. Broadcast reach is determined by the number of viewers (rating) at the particular time of day that your story aired as well as the on-demand viewers after the story originally aired. Number of listeners determine the radio reach. Online reach is determined by the number of unique and repeat visits as measured by tracking software.

Relationship analysis: Partnerships and joint campaigns are effective public relations approaches. Measuring the value of relationships that are built or strengthened through a campaign is a new challenge. Because the relationships are long-lasting and have the potential for future benefit and collaboration, their value goes beyond traditional publicity measures. Simple measures of immediate relationship value include event attendance, membership figures, newsletter readership, social media engagement, and analysis of each partner's links to other influential companies, organizations, and bloggers. Relationship analysis is best done using a sophisticated CRM tool.

Return on investment (ROI): ROI is traditionally associated with marketing and advertising tactics; however, we are seeing ROI discussions frequently in public relations. ROI is a financial term that determines the incremental gain divided by the cost. Therefore, ROI equals the incremental gain in business divided by the invested resources multiplied by 100 percent.

Share of voice/Share of discussion: Share of voice or SOV (a.k.a. Share of Discussion or SOD), is the percentage one company has of the total amount of communication directed to a targeted group. Good SOV is considered a contributing factor to successful awareness campaigns. This captures and compares your firm's positive and neutral media coverage to that of your competitors and takes into consideration the media value and tone of the coverage. SOV also subtracts the value of negative stories, which determines the "Net Favorable Media Cost of Impressions" (NFMCI). The NFMCI is then divided by the total of all competitors to obtain the SOV/SOD percentage score. If this sounds cumbersome, it is. The good news is that there are many measurement services that can help you with these determinations. One such tool is Trendkite.com.

Public Relations Measurement Tools

While organizations, such as the Public Relations Society of America, offer great [measurement resources on their websites](http://prsa.org/intelligence/businesscase/measurementresources), here are several tools that can help you measure public relations success:

1. **Website visitors and referrals:** Determine how visitors find your website. Visitors can be placed into four categories: owned (from your own website or direct marketing); earned (from content outside your website such as articles or media stories); paid (from advertisements or pay-per-click/PPC); social (from social media posts). Referrals allow you to see how many new users are coming to your site and how they got there. [Google Analytics](#) is a go-to tool to track website visitors and referrals.
2. **Search engine optimization (SEO):** Know and use your keywords in your public relations content. This will allow you to measure your position using tools like [SEMRush](#) or [Trendkite](#) to help you follow your position on Google. Get a complete picture of public relations' digital impact—from driving web traffic to influencing search engine ranking. It also is possible to rank your law firm's media coverage and determine which articles had the greatest positive impact on your firm's search engine ranking. You can then curate the top performing articles, share them via social media, add links to your firm's website, and share them via your firm's direct electronic communications.
3. **Mentions:** Mentions are what people are saying about you. To help show the effectiveness of your PR campaigns, keep track of your specific mentions, and which campaigns they came through. Try setting up [Google Alerts](#) to help track mentions of your name. You can set up multiple alerts for different names

you would like to track (including your own). You can also pay for various services (included below) that track and measure mentions for you.

- 4. Engagement, leads, and retention:** You can track target audience engagement in different ways with your law firm as a result of your PR efforts. Engagement comes in many forms. Look at social media likes, comments, and shares; website queries and form completion; direct communications with your firm and its lawyers; increased media coverage and quotes as a result of thought leadership; increased new business from existing clients; new retained clients; and ongoing engagements with existing clients.

Public Relations Measurement and Monitoring Resources

Select one of the suitable options for measuring and monitoring your public relations campaigns. Some services focus on one form of media only, such as radio, television, print, or social media. Others provide more comprehensive services.

Below are several resources that are available to help you monitor and measure your public relations campaigns.

- BurrellesLuce
- Cision | Trendkite
- Critical Mention
- IQ Media
- Meltwater
- Mention
- Nielson
- SnapStream

Another tool, which requires more of an explanation, is CRM systems. CRM uses computer software to track and access information about past, current, and potential clients. A CRM provides a central database of information about people and companies important to the firm, including clients, prospects, referral sources, and other business contacts. The CRM also tracks information related to those contacts, such as activities, notes, financial information, industries, relationship lawyers, and touch points with the law firm. The system can help track business development information, public relations engagement, social media engagement, pitches, requests for proposals, and referrals. Through a CRM system, client interactions can be logged, referenced, and cross-referenced by the firm.

Chris Fritsch, CRM success consultant and founder of [CLIENTSFirst Consulting](#), said, “Reasons to use a CRM system vary by law firm because CRM systems are extremely powerful. Key stakeholders need to determine what they want to accomplish and why. They need to understand how they can use CRM to improve internal and external communications and client service and, ultimately, to affect their bottom line positively.”

“ A CRM provides a central database of information about people and companies important to the firm, including clients, prospects, referral sources, and other business contacts.

CRM data helps management understand where the firm’s business development, marketing, and public relations time is being spent. A CRM also helps keep track of who is in charge of each lead to avoid a situation where lawyers or business development managers contact the same client. Understanding the relationships a law firm has with its target audiences, such as current and past clients and referral sources, is only the starting point. A CRM can provide objective data that helps the firm better manage its relationships and investments.

“Assuming the CRM data is maintained and accurate, law firms can leverage that data for business development and to understand the sales pipeline and media opportunities,” says Jasmine Trillos-Decarie, chief client service officer at Stoel Rives LLP, a Pacific Midwest “Am Law 200” law firm with a focus on energy and natural resources. She adds, “A robust CRM system tells us who the lawyers are talking to, how often they are in communication, and essentially who knows who and how they know them. It allows us to paint a picture and understand the depth of relationships to leverage those relationships for better client service and business development.”

Law-Industry-Specific CRM Systems

- [ContactEase](#) (by Cole Valley)
- [InTapp](#) (which acquired OnePlace in 2019)
- [IntelliPad](#) (by Versys)
- [InterAction](#) (by LexisNexis with a new version for Office 360)
- [Introhive](#)
- Lawmatics
- [Legal360](#) (build to Microsoft Dynamics platform)
- [Lexicata](#) (by Clío)
- [OnePlace](#) (by Salesforce)
- Generic CRM Systems
- Dynamics (by Microsoft)
- HubSpot CRM
- Infusionsoft
- Salesforce
- Streak
- Zoho

Solo and small firms can benefit from a number of platforms that are either installed or cloud-based and can integrate with existing systems. While some systems are more generic, such as Salesforce, Microsoft Dynamics, and others, firms can often benefit from choosing a more legal-specific solution. The most important thing is to assess your needs and then do your homework and figure out which platform will work best for your firm.

Alternatively, some law firms use back-office platforms that have a CRM component (such as Microsoft Excel or Google Sheets), which can be used, to some extent, to manage and track information and interactions.

Information gained through a CRM system is vital to marketing and public relations because it provides data to validate the continuation of efforts or adjustments to the marketing plan. The information can be measured and tested against program objectives, and, ultimately, it can calculate your return on investment (ROI).

A CRM system is only as good as the data entered. It is up to the law firm leadership to lead by example. Educate all lawyers and staff on the firm's use of CRM, and put processes in place to manage the firm's data so investment in a CRM system pays off.

Public Relations Measurement Examples and New Business Conversions

When tracked and measured, it is possible to demonstrate real ROI to prove you are getting business from your work.

Monitor and listen to see what your clients are doing and saying. Below are some examples.

Blog directly linked to media coverage and new clients: As mentioned previously in Chapter 10, Bloomberg Law interviewed Lauren Hoye, one of Willig, Williams & Davidson's labor lawyers as a result of a Google search that brought up a relevant blog she had published on the topic. Thereafter, a prospective client who had read the Bloomberg Law article, which was relevant to an issue that the prospective client was facing, contacted Hoye with a new business opportunity.

Blog linked to Tribeca Film Festival guest attendance, participation, and media coverage: Furia Rubel ghost-wrote a blog post for Panitch Schwarze Belisario & Nadel, LLP, an intellectual property law firm, highlighting actress Hedy Lamarr's role as an inventor who helped lay the groundwork for the technology that powers the wireless devices we use today. Filmmakers contacted the lawyer who authored the blog as part of their research for the 2017 movie, "Bombshell: The Hedy Lamarr Story." After assisting the producers with their research, the lawyer was invited to attend the Tribeca Film Festival and serve as a panelist along with executive producer Susan Sarandon, producer Alexandra Dean, and actress Diane Kruger.

Media outreach landed Good Morning America segment alongside Gloria Allred: In the story about Stewart Ryan, the lawyer with Philadelphia law firm Laffey, Bucci & Kent, and former prosecutor in the Bill Cosby case, Ryan garnered significant media coverage including an appearance on Good Morning America and an interview with the

Associated Press. The combined print, broadcast, and online coverage reached an audience of approximately 700 million.

Media relations directly linked to new clients: A few years ago, Furia Rubel handled media relations for a personal injury law firm that handled cases against an international furniture manufacturer. The furniture in question often tips over and has severely injured or killed many toddlers in America. There were recalls as a result of the product defect; and since the filing of the first case, there has been media coverage spanning from Law.com and Law360.com to USA Today and Good Housekeeping magazine. As a result of the media coverage, which began years ago and is ongoing, the firm continues to get direct cases.

The Case for Public Relations Measurement

Assessing the success or failure of specific public relations programs, strategies, and activities and their impact on improving and enhancing your law firm's relationships with key audiences is an important discipline.

Understand that ways to measure public relations programs continue to evolve.

Take ownership of your public relations landscape to attract followers. Bring in specialty public relations firms to help you stay on top of trends and help you evaluate the success of your communication efforts.

wish that everything a lawyer needs to know about legal communications and legal marketing ethics was taught in law school. That's nowhere near the case.

This chapter is intended as a general guide—an overview, if you will—of ethics considerations when communicating. It is not intended to cover the ethics and legal communications rules of all 50 states. It should help you take the steps necessary to comply when you communicate.

William E. Hornsby, former staff counsel for the American Bar Association (ABA) Division for Legal Services, is the person I refer to when I have a question regarding the ethics of legal communications. In my opinion, he is the leading U.S. expert in this area of the law. For up-to-date information, follow him on Twitter @WillHornsby.

The Legal Marketing Association's Ethics and Legal Marketing Working Group also provides members with information and advocacy regarding rules of ethics related to legal marketing at legalmarketing.org/page/ethics_marketing.

A Brief History of the Model Rules Relating to Legal Marketing Ethics

The rules of professional conduct differ from state to state. Beginning in 1908, there were the Canons of Professional Ethics, which were last amended in 1963. In 1969, the ABA produced the first Model Code of Professional Responsibility. In 1983, the ABA adopted its Model Rules of Professional Conduct, which were intended to serve as a springboard for state rules across the country. In 1997, the ABA revisited the Model Rules, making yet more changes. In 2002 and again in 2018, the ABA adopted changes that were intended to be more marketing-friendly.

Hornsby encouraged me to share that “lawyers often think of the ethics of advertising, but not the ethics of public relations, and, in fact, those creating the ethics rules do not tend to separate out this aspect of marketing.” Therefore, no matter your law firm title, albeit marketing, business development, public relations, administration, human resources, partner or associate, you are beholden to the ethics rules when communicating.

In August 2018, the ABA House of Delegates voted in favor of Resolution 101, which amended Rule 7 of ABA Model Rules of Professional Conduct. Since there is a discrepancy in advertising rules among the states, the amendments were made to clarify and simplify the 1977 U.S. Supreme Court decision in *Bates v. State Bar of Arizona*, which allowed lawyers to advertise their services.

Besides encouraging national uniformity, the amendments were intended to:

- Increase access to justice
- Address technology, competition, and cross-border practices
- Protect the public from false and misleading communications
- Relieve regulators of unnecessary burdens

Since Resolution 101 passed, there has been much conversation about the actual changes to Model Rules 7.1–7.5.

Lucian Pera, chair of the Center for Professional Responsibility and litigation partner with Adams and Reese LLP, told the ABA Delegates that the revised rules “focus enforcement on false and misleading ads, and will make it easier for lawyers to more effectively communicate to potential users of legal services how lawyers can identify and solve their legal problems.” He said, “Many lawyers—especially younger lawyers—have argued to the committee that many current ad rules also hinder them from being innovative and from making a living.”

The amendments to the Model Rules are designed to help law firms and legal marketers work more effectively.

The updates combine provisions concerning misleading statements into a single section of the Model Rules and provide further guidance on what lawyers might be restricted from saying in an advertisement or other communication. They also specify that communications about a lawyer’s fee must include information about whatever costs a client may have to pay.

There are no rules specifically governing public relations; although, it is generally covered by Model Rule 7.1, which prohibits false or misleading communications.

Rule 7.1: Communications Concerning a Lawyer’s Services

Information About Legal Services

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

The updates also changed the Model Rules related to referral payments. The new rule creates an exception that allows for nominal “thank you” gifts “that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer’s services.”

Specifically:

Rule 7.2 broadens “advertising” to “communications” and through “any” media, allows nominal gifts, and updates “office address” to “contact information” to encompass a website, email, and phone. The rule in its entirety states:

Rule 7.2: Communications Concerning a Lawyer's Services: Specific Rules

Information About Legal Services

- (a) *A lawyer may communicate information regarding the lawyer's services through any media.*
- (b) *A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer's services except that a lawyer may:*
- (1) *pay the reasonable costs of advertisements or communications permitted by this Rule;*
 - (2) *pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service;*
 - (3) *pay for a law practice in accordance with Rule 1.17;*
 - (4) *refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:*
 - (i) *the reciprocal referral agreement is not exclusive; and*
 - (ii) *the client is informed of the existence and nature of the agreement; and*
 - (5) *give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.*
- (c) *A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:*
- (1) *the lawyer has been certified as a specialist by an organization that has been approved by an appropriate authority of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and*
 - (2) *the name of the certifying organization is clearly identified in the communication.*
- (d) *Any communication made under this Rule must include the name and contact information of at least one lawyer or law firm responsible for its content.*

Rule 7.3 deletes the “Advertising Material” labeling requirement for all communications from a lawyer soliciting employment, finding this requirement no longer necessary to protect the public. Rule 7.3 also includes “a person who routinely uses for business purposes the type of legal services offered by the lawyer” as an exception to the prohibition on solicitations; and no longer prohibits real-time electronic solicitations because of the pervasiveness of texts and tweets as written communications. Rule 7.3 reads:

Rule 7.3 Solicitation of Clients

Information About Legal Services

(a) “Solicitation” or “solicit” denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) A lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer’s doing so is the lawyer’s or law firm’s pecuniary gain, unless the contact is with a:

(1) lawyer;

(2) person who has a family, close personal, or prior business or professional relationship with the lawyer or law firm; or

(3) person who routinely uses for business purposes the type of legal services offered by the lawyer.

(c) A lawyer shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:

(1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(d) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(e) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

The director of marketing and business development for McNair Law Firm and a member of the board of directors of the Legal Marketing Association, Kathryn B. Whitaker, said, “Though I have heard the loudest sigh of relief from marketers over the deletion of the ‘advertising material’ labeling requirement, I am more excited about the addition of the ‘person who routinely uses for business purposes the type of legal services offered by the lawyer’ as an exception to the prohibition on solicitation. It’s amazing how much heartburn I have witnessed from lawyers about asking a prospective client for a meeting or even to attend a seminar or dinner for fear of this prohibition.”

Why Legal Marketing Ethics Rules Matter to You and Your Firm

According to Will Hornsby, “The ABA rules only become effective when the individual states pass them. I would hate to see law firms and legal marketers rely on the changes before they are officially adopted.”

Many firms take risks with their marketing efforts, knowing fully well that they may never be called to the table. There are not many states that can police legal advertising effectively. However, it is more prudent to play within the rules than to risk being sidelined by an ethics violation.

It is not the governing bodies that law firms need to worry about. Rather, it is their competitors who will initiate disciplinary actions and complaints. In 2018, the Orlando-based plaintiffs’ firm, Morgan & Morgan, settled a lawsuit brought by a smaller Philadelphia rival, Rosenbaum & Associates, over Morgan & Morgan’s advertising practices in the city. Morgan & Morgan faced a false advertising lawsuit involving claims that Morgan had no significant presence in Pennsylvania. The firm has since hired a Philadelphia lawyer to handle cases in that jurisdiction.

Common Legal Marketing Ethics Mistakes to Avoid

There are many ethics mistakes, and they vary significantly from state to state. Some of the more common mistakes include:

- Making a false statement about the firm’s previous successes, such as “We always get the results our clients desire”
- Not including required language on various forms of communication
- Creating an unjustified expectation, such as “We will get money for you”
- Soliciting work the firm refers out (Example: encouraging your audience to “call if you’ve been arrested for drunk driving,” when the firm refers all DUI cases elsewhere)
- Omitting required disclaimers and failing to include any and all statements of limitations

Forms of Redress

You will run into several problems if you do not comply with the rules of ethics and a complaint is brought against you or your firm. Forms of redress include:

A disciplinary claim against you: It takes one person to file a complaint, subjecting you to disciplinary proceedings. In many states, even the slightest admonishment is open to the public, which is not good for business. The process is no different from that of a client reporting your law firm for suspected comingling of funds. It is no fun.

Wasted time and money: Law firms today spend a substantial amount of money on their communications. From business development programs to websites, social media and media relations, law firms are shelling out significant resources to gain a competitive

edge. Playing within the rules ensures that your law firm's investments are secure. Just imagine having your firm's tagline or logo deemed false and misleading after you have rolled out a website; issued new business cards, letterhead, and envelopes; printed brochures; or sent out other communications featuring your brand. Think it cannot happen, think again. It has. The money and time that it costs to fix the mistake are well worth the upfront commitment to ensure compliance.

Increased exposure to malpractice claims: In most cases, your firm's communications will not create a direct link to potential malpractice claims. However, when the firm's communications include language that may be construed as increasing a client's expectations of a certain outcome, and that outcome is not achieved, or the firm is accused of violating confidentiality, the client may have a leg to stand on in a malpractice suit.

What You Must Do to Comply with Ethics Rules

Here is a general checklist of things that you must do to comply when you communicate in all states in which you market:

- Institute internal policies and procedures for all advertising, marketing, public relations, social media, and business development materials.
- Develop internal compliance procedures.
- Stay up to date on all the states' rules that affect you, your firm, and your communications efforts.
- Follow the rules in all states in which you market, have an office, have lawyers licensed to practice, and seek clients.
- Include a disclaimer with the language required by each state where you conduct or seek business.
- If you believe it sounds false or misleading, then assume it is.
- Include all the facts without omitting anything that provides clarity.
- Do not compare one lawyer or law firm to another.
- Steer clear of unsubstantiated claims.
- Do not use language that may create an unjustified expectation.
- Reach out to your bar association for an opinion when in doubt.
- Create a system for keeping copies of all communications and for archiving (if required by your state).
- State on your website disclaimer that information on your website is "void where prohibited."

It is All Grey

Under many states' rules, there are numerous grey areas when it comes to legal communications. Blogs, instant and text messages, meta tags, search engine advertisements, the use of social media, geo-fencing, chat rooms, and forums typically are not addressed by rules of ethics or ethics opinions. Some states, such as New York, include all electronic communications, from websites to blogging, in their definitions of marketing.

Legal Marketers, Lawyers, and Other Experts Weigh in

Catherine Alman MacDonagh has a unique perspective. She said, "I appreciate the work that went into the ABA's recent resolution, but it isn't a game changer. Rather, it rectifies the ABA's bad rules and finally addresses issues that should have received attention years ago. Now the rules simply reflect how the business of law has operated for a long time." Alman MacDonagh is a lawyer, professor, Fellow of the College of Law Practice Management, member of the Legal Marketing Association Hall of Fame, and CEO of several small businesses, including the Lean Legal Sigma® Institute, LLC.

She continued, "Let's not view these changes as anything close to innovative. They are not just long overdue, but are symbolically and realistically a demonstration of the ABA's approach to its role and protectionist position regarding 'the profession.' The ABA finally did its job."

Roy Sexton, director of marketing at Clark Hill, believes the for-profit referrals issue is separate from marketing communications. He said, "Referrals are about the structure of a business development relationship, and advertising is about the manner and context within which we can and should position our firms in a commercial dialogue." He said the process of reviewing these rules is neither expedient nor progressive enough to embrace and understand the manner in which that dialogue has rapidly transformed.

"The lines increasingly are blurred regarding what constitutes advertising versus relationship development," he said. "I don't necessarily think that's a bad thing, provided that there are manageable and thoughtful guidelines around transparency and that our lawyer friends balance their tendencies toward control and risk mitigation with a realization that access and openness are the only ways that these channels truly succeed."

Sexton also expressed concern, as have many others, for small- and mid-market law firms, noting they may not have the resources or the marketing sophistication to understand how the rule changes may affect them.

Susan Hackett, CEO at Legal Executive Leadership, said, "While this issue is of importance to lawyers and law firms, and may be relevant to unsophisticated or individual clients who can be bamboozled by unethical firms, this is the focus of ABA model rule discussions while they refuse to take action on issues such as multi-dis-

ciplinary practices, non-lawyer ownership in law firms (affecting everything from alternative legal service providers to the ability of law firm professionals to enjoy rights of ownership in the firms they help to lead), suggests that the ABA is fiddling while Rome burns.”

Many industry experts believe the rules should focus primarily on communications with general consumers. To a much greater extent, the rules often seem moot as they relate to business-to-business communications between law firms, general counsel, and C-Suite purchasers of legal services.

“Advertising issues won’t matter in a few years when lawyers are no longer the preferred providers in the legal services marketplace,” Hackett said. “Like water moves around stones in a river, clients will continue to migrate toward service providers who deliver what they want. That doesn’t mean clients are wrong or uninformed; it makes the profession that refuses to see what’s happening irrelevant.”

“Policing LinkedIn pages doesn’t save our profession,” said Hackett. “Encouraging lawyers to join the 21st century and collaborate on teams that are client-aligned, business efficient, cost-effective, predictable, transparent, and results-oriented might be the better approach.”

Hornsby agreed and said, “The ABA House of Delegates just passed rules to govern the legal profession of 2008, when it should have crafted rules governing the legal profession of 2028.”

What’s Next for Legal Marketing Ethics

Task forces are popping up across the United States through statewide bar associations to review current rules and offer recommendations as they relate to the 2018 ABA Model Rule changes. New rules, unrelated to the ABA Model Rule changes, went into effect in California on November 1, 2018.

The ABA maintains a list of jurisdictions that have adopted the model rule on their website at americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/alpha_list_state_adopting_model_rules.

Their goals of each state’s task force are similar: to limit lawyer communications that might hurt the profession and affect the public’s perception of lawyers.

What constitutes “good taste” is just as subjective as calling a lawyer an expert.



CHAPTER 13

PLANNING FOR A CRISIS

“It takes 20 years to build a reputation and few minutes of a cyber-incident to ruin it.”

—Stephane Nappo

Everyday public relations is about proactive communications—things you can do to retain existing and gain new clients. I decided to include a bonus chapter in this Second Edition—“Planning for a Crisis.” Preparing for and managing a crisis is an essential public relations strategy, as expected and unexpected crises hit law firms every day.

Latham & Watkins chair William Voge scandalized the legal profession after being accused of sexting a woman he never met in person. Within hours, the story was covered on most legal and financial media outlets including Law360, Law.com, Above the Law, the Wall Street Journal, the ABA Journal, Financial Times, Reuters, Bloomberg Big Law Business, and others. While Voge resigned soon after the accusations were made public, the scandal did not spare Latham & Watkins from reputation damage even though the firm had declared \$3 billion in revenues just a month before the story broke.

The sad reality is that law firms can (and do) plan to manage sexual harassment claims against their lawyers—it is an all-to-common occurrence. But what about the crisis that leaves you feeling like an athlete who got their clock rung on the field of play?

While this book was being written, the U.S. college admissions scandal implicating Willkie Farr & Gallagher’s now former co-chairman, Gordon Caplan, broke in the national media. The American Lawyer, which covered the story closely, quoted me:

“There is no way anyone could have guessed that something like this would happen. It’s out of left field, which is exactly why there’s such public outrage,” said Gina Rubel, a lawyer and marketer who routinely puts together crisis preparation plans for law firms.

I went on to publish “Crisis Lessons in the Immediate Aftermath of the College Admissions Scandal” for Mid-Market Report because there was much to learn from how the matter was handled.

While the Latham & Watkins matter has since died down and the media have moved on, Willkie Farr & Gallagher have a long road of continued negative press ahead because every time Caplan’s name is mentioned, the media will mention the law firm where he worked.

In life and business, reputation is everything. It only takes one misstep to cause damage to a law firm and its lawyers.

How Ethics Plays a Part in Crisis Management

The legal profession is governed by rules of professional conduct. In the United States, the majority of states have adopted the American Bar Association's Model Rules. In addition to the communications rules (addressed earlier), law firms must consider how competence, confidentiality, trial publicity, and conduct are governed by the rules.

Here is what those rules say as of 2019:

Rule 1.1 Competence

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.”

Comment 8 of Rule 1.1 reminds lawyers that they must “keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology,” which must be considered when drafting a crisis management plan.

Rule 1.6 Confidentiality of Information

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized to carry out the representation or the disclosure is permitted.

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

In 2018, the ABA released a formal opinion (483) outlining a lawyer's obligations in the instance of a data breach that exposes confidential client information.

Rule 3.6 Trial Publicity (for litigation matters)

(a) A lawyer or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

In litigation, when a party is perceived to go too far with its public commentary, it is likely that opposing counsel will petition the court to issue a gag order (or suppression order) or the court will unilaterally issue a gag order on its own.

Judges presiding over highly publicized cases (and in particular criminal matters) often issue gag orders to control publicity and protect the right to a fair trial by prohibiting parties or their lawyers from speaking publicly about the case. There are many lawyers who argue that gag orders on trial participants are almost always unconstitutional and violate free speech rights—this argument is not addressed here.

While counsel may perceive a gag order as unconstitutional, anytime you violate an order of the court—including a gag order—you could be found guilty of contempt. Sanctions vary and can include a more restrictive gag order, a fine, or even jail time.

Be mindful of the rules of ethics, always do what is in the best interest of your client, and if a judge issues a gag order, heed the warning. Being held in contempt can have many negative ramifications on you and your client, including your client claiming malpractice.

Rule 8.4 Misconduct

This rule defines professional misconduct, which includes a violation of the Rules of Professional Conduct; criminal acts; conduct involving dishonesty, fraud, deceit or misrepresentation; engaging in conduct prejudicial to the administration of justice; and various other forms of conduct that involve “attorneys behaving badly.”

Misconduct by an attorney will generate negative headlines about the law firm and will affect the license of the lawyers involved—much like the Latham & Watkins example.

Nowadays, it is reckless for law firms not to have a crisis management plan (CMP) in place. Law firm leaders should not need to determine how to handle an incident as it unfolds. Rather, proactively draft and maintain a crisis management plan to address various crisis scenarios.

Is Your Firm Prepared for Crisis?

While not all incidents rise to the level of a crisis, the public relations industry is witnessing an enormous spike in the need for crisis communications and crisis management plans. There is a reason the growth in chief ethics officers in the C-Suite is predicted. With the economic slowdown, preemptive layoffs, disgraced executives, frequent lack of diversity and inclusion in U.S. law firms, corporate C-Suites and boards, data breaches and cyber-attacks, the MeToo movement, citizen journalism, the rise of corporate criminality, and so much more, it is foolish for any law firm or other business to believe they do not need a crisis management plan.

This is not only an issue for law firms. It is also an issue for your clients. According to a 2018 Crisis Management Benchmarking Report published by Morrison & Foerster and Ethisphere, “*A clear majority of companies do not feel as prepared as they should be to respond to an unexpected crisis event.*”

If that is not enough, recent statistics on cyber-attacks indicate:

- 1 in 5 law firms were hacked in 2018, according to the American Bar Association.
- Every 13 seconds, a business falls victim to a ransomware attack.
- 31 percent of organizations have experienced cyber-attacks on operational infrastructure.
- The global cost of online crime is expected to reach \$6 trillion by 2021.

No matter the type of business you manage, understanding why you need a crisis management plan and a crisis management team is imperative. This chapter discusses the necessity of a crisis management plan and crisis management team and illustrates real-life examples of well-executed crisis responses.

The time is now to prepare for not “what if,” but “when” your business is hit with a crisis.

Identify Your Crisis Management Team

Law firms, big and small, need to identify their crisis management team. In small firms, this may be the named partners, outside counsel, and third-party partners. For mid-size and big law firms, the list will be more inclusive of internal resources. Consider the following list as you develop your crisis management team:

- Managing Partner (MP) | Alternate to MP if MP is unavailable
- Key Executives (Chief Executive Officer (CEO)/Chief Operations Officer (COO)/Chief Financial Officer (CFO)/Chief Information Officer (CIO)/Executive Director)
- Office Managing Partner (OMP) | Alternate to OMP if OMP is unavailable (this is for firms with multiple offices if the matter is contained on a local level and each office should have a designee listed)
- Spokesperson (this may vary depending on the location, type, and size of the incident)
- Chief Marketing Officer (CMO) | the CMO or the equivalent (third-party marketing, website, and social media management support should be on your crisis management team as they often handle the dissemination of your firm’s information)
- Head of Public and Media Relations (internal or external or both)
- Information Technology (IT)/Cybersecurity Team (maybe internal or external depending on the size of the firm)
- Security (while most law firms do not have a security detail, it is essential to have a relationship with your building’s security experts and your local police department if a need for their assistance arises)
- General Counsel | Outside Counsel (most matters have legal ramifications)

Members of a crisis management team play an important role in protecting the organization. Maintain detailed contact information for the members of your crisis management team (update quarterly) with correct names, titles, cell and home numbers, and email addresses, so you may reach them soon as you learn about an incident.

Identify what each member’s roles and responsibilities are and how those responsibilities differ depending on the scenario. For instance, if your firm is dealing with workplace violence, your managing partner and security officer may take the lead on all issues, whereas your CIO and IT team may take the lead on a cyber breach.

Crisis Management Team Contact List

TITLE	NAME	ROLES AND RESPONSIBILITIES	MOBILE #	HOME #	EMAIL
MP					
MP (Alt.)					
Exec. Dir.					
CEO					
COO					
CFO					
CIO					
OMP					
(OMP) (Alt.)					
Spokesperson					
CMO					
PR					
IT					
Cybersecurity					
Security					
P.D.					
General Counsel					
Outside Counsel					
Other:					

Maintain Your Firm's Policies

Various policies may come into play during the management of a crisis. Keep all of your firm's workplace policies with your crisis management plan. If your firm does not maintain workplace policies, now is an excellent time to create them.

The policies that may prove useful when dealing with a crisis include:

- Call management
- Email/web query management
- Personnel policy
- Media policy
- Social media policy
- Technology policy
- Security policy
- Surveillance policy
- Work-from-home policy

In addition, have copies of your outside counsel's media and social media policies. This is imperative, especially if your firm is defending a lawsuit.

Furia Rubel worked with a law firm that was served with an age discrimination lawsuit by a pro se litigant (former partner). A reporter contacted our client when the plaintiff leaked the complaint. The defending law firm prepared a statement and asked its outside counsel to respond, which we all agreed was in our client's best interest. In the midst of managing the incident, as it was about to go public, outside counsel responded that they maintained a "no comment" policy. At that point, we had to identify an alternative firm spokesperson. Since the matter lacked merit, we also felt strongly that the managing partner should not be the person to provide the statement so as not to add importance to the issue. Fortunately, the law firm's chief marketing officer maintains a close relationship with the managing partner and could get approval for the alternate to deliver a statement on behalf of the firm. After the story played out for a few days in the media, the pro se plaintiff withdrew the complaint, which was the subject of the third headline.

The moral of the story: know the policies of your outside counsel so you do not have to scramble.

Crisis Scenarios

In recent years, law firms have experienced many crises. Here are just some headlines from recent months:

- DC Law Firm Identified As CyberVictim in New Criminal Charges
- Co-Chair of Big law Firm Charged in College Admissions Scandal: The Allegations Are Shocking
- Jones Day Law Firm Is Sued for Pregnancy and Gender Discrimination by 6 Women
- Ballard Spahr Big Law Associate Shot, Firm Is Offering A Reward To Find The Gunman
- Law Firm Sedwick To Close: Mounting Partner Losses Crippled Firm, Latest To Succumb To Increased Competition In The Legal Market
- Paralegals Shot To Death At Law Firm In String Of Murders
- Bay Area Law Firm Archer Norris To Shutter, Costing 124 Jobs
- DLA Piper Hit By Cyber Attack With Phones And Computers Down Across The Firm
- Big Law Killed My Husband: An Open Letter From A Sidley Partner's Widow
- Disbarred Kentucky Disability Attorney Eric Conn Sentenced To 15 Years
- Giuliani's Law Firm Undercuts His Statements As They Part Ways
- The Sexting Scandal That Toppled One Of America's Most Powerful Law Firm Leaders
- Two Now Disbarred LI Lawyers Stole More Than \$7m From Clients, Queens DA Says
- Dewey & Lebovitz Near Collapse—Are Other White Shoe Law Firms In Peril?
- Police Suspect Suicide In Death Of Lawyer Days From Trial On Charges Of Impersonating Judge

Unfortunately, there are hundreds of headlines like these from the last 12 months, alone. This list makes the point. The types of crisis scenarios law firms face include:

- Bankruptcy, lost earnings or profits, acquisitions
- Cybersecurity breaches (theft of data, ransomware, malware, theft, and disclosure of trade secrets)
- Death or severe illness of key executives, partners, associates, or staff
- Departure of senior partners, a practice group, or the majority of its lawyers
- Employee misconduct, lawyers acting badly
- High-profile litigation with rogue clients or legal malpractice claims
- Intermittent closures of business due to power outages and natural disasters
- Negative publicity (such as lack of diversity and behavioral health issues that have been issues for many U.S. law firms for decades)

- Partner disputes
- Public protests or demonstrations
- Sexual harassment allegations and other MeToo movement issues
- Website or telephone outages
- Workplace injuries or death
- Workplace violence such as robberies, terrorism, and active shooter situations

A Few Words About Cybersecurity, Workplace Violence, and Behavioral Health

Cybersecurity

All law firms should begin with preparing a cybersecurity response plan and then flesh out other scenarios.

Law firms are a prime target for hackers and cyber-attacks. When successful, it is not only the firm information at risk; it also affects the clients' personal and corporate intelligence.

Remember the Panama Papers? The unprecedented leak of 11.5 million files from the database of the world's fourth-biggest offshore law firm, Mossack Fonseca, was devastating. That was only the beginning. Cyber-attacks have become a direct and predictable threat to all law firms, big and small.

To protect your law firm, read the *ABA Cybersecurity Handbook, Second Edition*, by Jill D. Rhodes and Robert S. Litt.

Cybersecurity is a specialized area and requires advanced knowledge of your firm's IT systems, monitoring systems, cyber insurance policies, if the firm is required by the insurance carrier to bank cryptocurrency, how each type of cyber-attack works and the technologies needed to protect your firm, business continuity planning, and more.

A well-designed crisis management plan is a critical aspect of preparation.

Workplace Violence

According to the National Safety Council, 2 million U.S. workers will become victims of violence at work; 18,000 workplace assaults are logged weekly; one in four employees are the victims of workplace violence; and every seven seconds, a worker is injured at work.

Like cybersecurity, workplace violence plans require different management tactics from identifying a threat to maintaining a safe environment.

Law firms should have plans to tackle workplace violence and up-to-date crisis management plans, as we are confronted with active shooters and terrorist attacks more now than ever.

Ask: Does the emergency response plan provide an adequate level of employee safety? Is there a Shelter in Place location? Is there an assembly location? How will your firm ensure that all employees are safe?

Key components to design a crisis management plan for workplace violence:

- Create a policy that prevents workplace violence and involve everyone in the line of communication—management, facilities, communications, and security.
- Conduct mock drills to provide training to your employees to survive an active shooting. Consider providing A.L.I.C.E. training (Alert, Lockdown, Inform, Counter, and Evacuate). Free A.L.I.C.E. training and resources are available at www.AliceTraining.com.
- Identify a potentially volatile employee to prevent an attack.
- Have a crisis plan specific to workplace violence.

While workplace violence is extremely difficult to predict, there are warning signs, which include:

- Excessive use of alcohol or drugs
- Unexplained absenteeism, change in behavior, or decline in job performance
- Depression, withdrawal, or suicidal comments
- Resistance to changes at work or persistent complaining about unfair treatment
- Violation of company policies
- Emotional responses to criticism, mood swings
- Paranoia

When workplace violence takes place, follow safety protocol above all else.

- Deal with the safety of people first—all else can wait.
- Communicate immediately with first responders.
- Maintain a list that includes the contact information for essential first responders, utility and support services, such as electrical power, water, sewer, gas, emergency, telecommunications, and transportation. Include this list with your crisis management team.
- Maintain an up-to-date media list.
- Conduct safety training.
- Ensure communication capability that includes satellite phones strategically placed within the building, a website with designated areas for posting messages, group text messaging, a toll-free call-in number, private social media channels, and mass email capabilities where individuals can relay messages.

- Use free resources to train your employees on how to handle workplace violence. For example, the FBI has training videos, posters, and other resources available for Active Shooter Response on its website at [fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources](https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources).



Behavioral Health in Law Firms

Does your crisis management plan take into account behavioral health issues? If not, it should.

The legal profession struggles with problematic alcohol dependency and is more susceptible to mental health issues like drug abuse, depression, stress, panic, anxiety, social alienation, isolation, and even suicide compared to general population.

A 2016 landmark report funded by the Hazelden Betty Ford Foundation and the American Bar Association states that 21 percent of lawyers struggle with alcohol abuse as opposed to only 6 percent of the U.S. general population. Lawyers under 30 were even more likely to struggle with a problematic dependency. Over the course of their legal career, 61 percent of the lawyers suffered from anxiety, 46 percent from depression, 16 percent from social anxiety, 12.5 percent from attention deficit hyperactivity disorder, 8 percent from panic disorder, and 2.4 percent from bipolar disorder. In addition, 11.5 percent reported suicidal thoughts at some point during their legal career.

These numbers are alarming, especially when legal professionals are part of your crisis management team. Lawyers take care of their clients in their critical moments and act in the interest of their clients. But who's taking care of the lawyers?

Many factors contribute to behavioral health issues for lawyers including massive law school debt, intense deadlines, target billable-hours requirements, client pressures, long hours, internal competition, and the demands of the job. It is no surprise that lawyers are high achievers, perfectionists, and workaholics, traits that can ultimately lead to high stress and depression.

As mentioned throughout this book, it is not a matter of whether a crisis will happen; it is a matter of when. We need to talk about behavioral health issues now. Lawyers are law firms' most valuable assets. Law firm crisis management plans should include preemptive measures to take care of their assets, avoid losing their assets, potential malpractice claims, and ethics violations. So, how can the legal profession adequately introduce well-being for its own?

- Identify lawyers who may be reluctant to seek help.
- Introduce behavioral health support and wellness initiatives through the firms' human resources department.
- Create strategies to handle behavioral health issues and tactics to maintain confidentiality within the firm.
- Create a judgment-free zone. Mental health stigma is an issue. Involve managing partners, associates, and other colleagues to engage in conversations with the volatile lawyer to talk about a perceived behavioral health issue.
- Design assistance programs to encourage lawyers to speak openly about what they are going through. The firm also can send their lawyers to CLE-accredited training programs. Assistance support, such as Lawyers Concerned for Lawyers of Pennsylvania, Inc., is widely available. These organizations are dedicated to restoring the behavioral health and professional competence of those in the legal community. The ABA's Commission on Lawyer Assistance Program provides comprehensive state-by-state resources at www.americanbar.org/groups/lawyer_assistance.

Determine the Target Audience to Influence in a Crisis

Once you have identified the various scenarios, ask whom you want or need to influence depending on each scenario.

Internal and external audiences, such as employees (and sometimes their families), clients, referral sources, media, third-party partners, stakeholders, and the community-at-large, may need to be informed regarding the crisis.

Response time to a crisis should be as soon as safely and reasonably possible.

Always include your firm's general counsel and if you do not have in-house counsel, involve your outside counsel early on. Better safe than sorry.

If you have an external public relations team that assists with crisis response, determine what information the team may and may not be privy to and when. This is crucial especially if certain information is or may become privileged. The crisis management team must be cautious to avoid transferring confidential information.

CRISIS EVALUATION AND MESSAGING CHECKLIST

Use this crisis evaluation checklist to determine what happened, the extent of the damage, what you need to get across and to whom, and how to contain the crisis.

- What is the issue? What happened?
- What is the extent of the damage? How might the situation unfold? What is the best-case scenario?
- What is the worst-case scenario?
- Who is implementing the crisis management plan and who is alerting the crisis management team?
- What is the message(s) to get across and to whom (if/then)? What can't you say? Consider how your messages can be manipulated and include that in your notes.
- What is your position (if/then) as it relates to the issues/crisis at hand?
- Does the firm need to issue a holding statement? If so, what should it say?
- Does the firm need to set up a hotline or a staging area?
- What are the legal issues/considerations? Is there evidence that needs to be preserved? Is there information that is privileged?
- When is the right time to act?
- How can your firm contain the crisis?
- Can your firm remove the issues and what tools or experts are required?
- What tools will you use to monitor and evaluate the situation (keep an eye on mass media and social media, and clarify inaccuracies whenever possible.) The same tools that are identified in monitoring the media can be used for monitoring a crisis (see Chapter 10).
- What if you can't rectify the issue or remove the problem? What does that mean to the firm and what will you do next?
- If there has been a resolution, are you going to alert your key audience about the resolution? If yes, what should the resolution statement say? (Provide information about how it may have happened, what was done to rectify the situation, and what is being done to safeguard the firm/clients/information)
- How will your firm answer future questions regarding the incident? For example, if you are in a new business meeting and the issue is raised, how will you respond?

AUDIENCE	MESSAGE (What you can/should say)	WHAT YOU CANNOT SAY
Partners and Associates		
Staff		
Clients		
Prospects		
Media		
Family members of employees (if necessary)		
Strategic Partners / Third-party Vendors		
Industry Thought Leaders (for practice group issues)		
Media		

SAMPLE HOLDING STATEMENTS

“We are aware of the situation. We are looking into this matter, and out of an abundance of caution, we have [INSERT WHAT YOU HAVE DONE]. We will share more information when it becomes available.”

“We appreciate your interest. The matter is under investigation. We will respond when we have more information.”

“This matter is being investigated by our IT and compliance teams. We are unable to provide more details at this time. Please provide us with your contact information and we will follow up with you as soon as we are able.”

SAMPLE RESOLUTION STATEMENT

We recently experienced an issue with [INSERT ISSUE HERE]. The issue involved [PROVIDED VERIFIABLE DETAILS]. We resolved the issue by [INSERT HOW YOU RESOLVED THE ISSUE]. We have added additional protocols to prevent this from happening again.

Monitor, Track, and Refine the Crisis Plan

Throughout the crisis and as it plays out, monitor all forms of communication. This means collecting information from your firm’s staff and lawyers regarding questions they received from clients, prospects, media, and others regarding the incident. Monitor the media. Know what is being said on social media. Keep copious notes.

Once life has seemingly returned to normal, or semi-normal, conduct a post-mortem review of how the crisis unfolded, how it was handled, and what might be done differently. Evaluate the effectiveness of the crisis management team. Evaluate the effectiveness of your response tactics. Update your crisis scenarios and response tactics in the crisis management plan. Update your contact lists (crisis management team, media, media lists, first-responders’ lists). Then, re-train the crisis management team.

Whether the crisis involves the revelation of election-swaying data-mining through the world’s dominant social media platform (Facebook), a data breach at a leading

global law firm, or the death of a managing partner, refine your crisis plan and monitor your firm's reputation after the crisis has passed.

Examine the policies: When something goes wrong, it is easy to throw one employee under the bus and leave it at that. It is harder to examine the policies and beliefs within a firm's culture and how they could have allowed the incident to happen. Do not stop when the crisis is over. Order a firm-wide review of policies and training, pledging to do the hard work to address and rectify weaknesses.

Reinforce company values: When a crisis becomes public, reinforce the firm's core values and how the firm will avoid issues from happening.

Be demonstrably authentic: Communicate directly with the firm's target audience through multiple channels, when appropriate, including news interviews, in-person meetings, and written statements. When necessary, use online channels (such as your website and social media) and set up hotlines if necessary. Be transparent and authentic to restore trust.

Implement new training: After each incident, the firm should implement new training to do its best to ensure that such incidents do not occur.

Prepare. Prepare. Prepare: Conduct a mock crisis drill at least once a year so that the employees and crisis management team members get familiar with the crisis management plan and act confidently when a real crisis takes place.

For example, when you conduct a fire drill, you can evaluate the response of the crisis management team and identify mistakes. Did the building have enough emergency exits? Did the employees remember the location of the fire extinguisher? Was the command post appropriate? Did your crisis plan address off-site backups of your computer data?

A mock crisis drill will help your employees remember how your crisis management plan is designed and should be performed by firms of all sizes, just like a fire drill.

Crises happen and organizations must prepare to manage crises proactively and respond effectively. Developing a crisis management plan is a critical step for firms that choose to be prepared before the white-hot spotlight of a public crisis falls on them.

Crisis Management Tips to Live by

Remember:

- There is a difference between reacting and responding to a crisis. The best way to respond is to have a plan.
- You are always “on” even at a private reception.
- The best defense against a crisis is a good offense. Create a crisis management plan no matter the size of your firm.
- Crisis plans need to consider all audiences—staff, clients, media, referral sources.

- Some vulnerabilities need to be addressed by all firms; look at the warning signs and plan for the crisis before one hits.
- Always have a few big evergreen stories in your pocket to balance bad news.
- Never say “no comment” to the media.
- Make sure you have the correct facts before going on the record. If you have to prioritize speed versus effectiveness, choose the latter. Make sure you are accurate.
- If there are public inaccuracies, correct them.
- Have your messages (boilerplate and evergreen) ready in order to prepare for a crisis.
- Even if you do not have a crisis communications plan, take action today by identifying who is in charge when a crisis hits.
- ***And if you think your law firm does not need a crisis plan, think again.***

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Thank you for taking the time to read *Everyday Public Relations for Lawyers*, Second Edition. It has been my pleasure and privilege to share 25-plus years of experience. Committing to public relations and crisis management takes time and resources; but when done right, it will make a positive and noticeable difference to your firm's bottom line.

Brilliant is defined as (1) shining brightly, sparkling, glittering, lustrous; (2) distinguished, illustrious; (3) having or showing great intelligence, talent, quality; and (4) strong and clear in tone, vivid, bright. To the BRILLIANT people in my life ... thank you.

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ABOUT THE AUTHOR

Corporate and law firm leaders call on Gina Rubel for high-stakes public relations, crisis planning, and incident response support, including high-profile litigation media relations. One of the most widely acknowledged experts on legal marketing and law firm public relations, Gina is a sought-after speaker and media expert.

Listed among the 2018 Lawdragon Global 100 Leading Consultants and Strategists to the Legal Profession, Gina founded and continues to lead Furia Rubel Communications, Inc., the award-winning public relations and marketing agency that has become a leading legal marketing and professional service communications boutique.

National Law Journal, The Legal Intelligencer, New Jersey Law Journal, and Philadelphia Business Journal have listed the agency among the best in legal marketing. Under Gina's direction, Furia Rubel provides strategic planning, marketing, public relations, media training, and content marketing services to a variety of specialized industries.

Gina's legal background complements her unparalleled intuition as a client advocate and business diplomat, allowing her to partner with professional clients to achieve their objectives. She and the Furia Rubel team focus on each client's unique selling proposition, brand, key messages, and target audience. As a result, Furia Rubel has developed and executed award-winning programs with outstanding returns on investment. From industry-recognized marketing campaigns to media coverage, Gina and her team deliver exceptional results. Gina didn't discover legal communications and marketing—she just repositioned it for a new century.

While actively practicing law, Gina served on a Supreme Court of Pennsylvania Disciplinary Board Hearing Committee for six years where she conducted legal ethics reviews of other lawyers. Since then, she has become a nationally sought-after speaker. She regularly presents to legal, financial, and government professionals, as well as corporations and universities regarding ethics, legal marketing, social media, strategic public relations, crisis communications, and media training.

Often asked why, as a lawyer, she pursued a career in communications, Gina says, “The answer is simple. In marketing and public relations, we communicate a message to a target audience to achieve a desired response or outcome. This is like the practice of law except I can be more proactive and creative.”

Actively involved in community organizations, Gina is a volunteer and child sponsor with Pearl S. Buck International, with which she has traveled to the Philippines on a cultural mission tour, and she supports the mission of CB Cares Educational Foundation. She is the Philadelphia Bar Association Law Firm Risk Management Committee co-chair and treasurer/secretary of The Justinian Foundation. Gina is a member of the Legal Marketing Association for which she serves on its Ethics and Advertising Advocacy Working Group and on a regional nominating committee. She is a member of the American, Bucks, Pennsylvania and Philadelphia Bar Associations, Justinian Society (past chancellor), Philadelphia Public Relations Association, Public Relations Society of America, and Women Owned Law for which she was a founding member and currently serves on the advisory board.

A graduate of Drexel University and Widener University, Delaware Law School, Gina lives in Doylestown, Penn., with her husband, two children, rabbits, chickens, and dogs.

INDIVIDUAL AWARDS | RECOGNITION | CERTIFICATIONS

- 2019 & 2018 Lawdragon Global 100 Leading Consultants and Strategists to the Legal Profession
- 2016 White Belt Legal Lean Sigma and Project Management Certificate
- 2015 SmartCEO Brava Award—40 of Philadelphia’s Leading Women in Business
- 2015 Doylestown Rotary Four-Way Test Award
- 2015 Recognition, Commonwealth of Pennsylvania, Senate of Pennsylvania, Hon. Charles J. McIlhinney, Jr.
- 2013 Maxine Elkin Award for Distinguished Service from the Public Relation Society of America (PRSA) Philadelphia Chapter
- 2010 The Justinian Society of Philadelphia, Lisa A. Richette Outstanding Woman in Law Award
- 2010 The Legal Intelligencer Women Lawyer of Distinction Award
- 2010 Central Bucks Chamber of Commerce Outstanding Woman in Business Award
- 2010 Citation, Commonwealth of Pennsylvania, House of Representatives, Hon. Marguerite C. Quinn
- 2010 Recognition, Commonwealth of Pennsylvania, Senate of Pennsylvania, Hon. Charles J. McIlhinney, Jr.

- 2009 Special Achievement Award in Legal Communications and Media, National Italian-American Political Action Committee
- 2008 Women of Distinction, Philadelphia Business Journal
- 2008 Best 50 Women in Business, Commonwealth of Pennsylvania, Department of Community and Economic Development, Governor Ed Rendell
- 2007 Deanne White Award for Community Service from the Public Relations Society of America (PRSA) Philadelphia Chapter

REVIEWS

Having worked with Gina for many years as our Am Law 200 law firm's head of public relations, it is apparent that she practices what she preaches. *Everyday Public Relations for Lawyers* covers every aspect of public relations and how, strategically, it should be incorporated into every law firm's business development and clients' service objectives. This is a must-read for lawyers and legal marketers, alike. It is written in such a way to make in-house marketers' jobs easier while teaching lawyers to value and how to engage in strategic communications.

—*Jasmine Trillos-Decarie, Chief Client Service Officer, Stoel Rives LLP*

We find ourselves in a time when it is increasingly important for law firms to define themselves, to set out their personalities in ways that go beyond their competencies. *Everyday Public Relations for Lawyers* goes a long way to explaining and examining the role of public relations and the need to think of this role strategically within the framework of law firm marketing. Lawyers often think of the ethics of advertising, but not the ethics of public relations, and, in fact, those creating the ethics rules do not tend to separate out this aspect of marketing. As a result, Gina ends with an important overview of the regulations of lawyer marketing as a whole, providing up-to-date information about recent ABA changes along with reactions from marketing experts.

—*Will Hornsby, Esq., Professional Responsibility Attorney and former 30-year Staff Counsel at the American Bar Association*

Gina understands public relations and crisis communications for law firms and their clients. I respect and appreciate her professionally and personally. The commitment, integrity, knowledge of and passion for her work stands out.

—*Tara D. Phoenix, Director of Continuing Legal Education, Philadelphia Bar Association*

Gina has crafted a pragmatic, accessible, forward-thinking framework for legal marketers to effectively incorporate public and media relations into their strategic communications plans. The text is constructed to engage all skill levels and to provide an appropriate and ethical roadmap around thought leadership, firm positioning, and attorney sourcing. She deftly leverages her vast network of legal marketing pros to offer candid observations, insights, and cautionary tales from the frontlines of this rapidly evolving industry. In this second edition, Gina integrated the latest developments—be they tech, ABA rule changes, social media and the like—without straying from the bedrock of exceptional media/PR principles, making this book essential reading for even the most seasoned legal leaders.

—*Roy E. Sexton, Director of Marketing, Clark Hill PLC*

Gina Rubel gets it! Insightful and practical, readers will leave armed with the information they need to control their narrative, enhance their professional image, work with (not against) the media, and improve their communication strategies. This is a must-read for lawyers who are interested in promoting themselves, their firms, and their practices.

—*Lara Hamm, Director of Communications and Public Relations, Jackson Lewis P.C.*

This book gives readers the opportunity to benefit from Gina Rubel's years of experience as both a top PR and marketing expert and an accomplished attorney. Gina provides not only strategies, but also the essential tactics that smart lawyers and firms need to grasp in order to succeed in today's competitive legal marketplace.

—*Chris Fritsch, President, CLIENTSFirst*

What I like about Gina's book is the universality of the tips and advice. You can apply her step-by-step PR and marketing strategies regardless of where you practice law. As a lawyer myself, the book was very appealing to me and which is why I also agreed to edit it. Read this book and learn from one of the best experts.

—*Sneha Ashtikar, Esq., Managing Editor, Leaders League, Paris, France*

Everyday Public Relations for Lawyers is insightful, engaging, easy to read, and effective in its delivery of essential information. Gina uses her gift of compelling storytelling to guide time-pressed lawyers on a path to success in raising and protecting their reputation, building relationships with prospects, and expanding business with existing clients.

—*Susan C. Freeman, CEO, Freeman Means Business*

Everyday Public Relations for Lawyers is a must-read for modern lawyers navigating the often-daunting world of PR and crisis management. This easy-to-understand guide is applicable to the junior associate and the senior partner, alike, in law firms both big and small, balancing best practices with the ABA Code of Conduct. When implemented, the results will yield a plan of action for maximum impact and effect. As a lawyer herself, Gina delivers real value in a language lawyers can appreciate.

—*C. Michael "Mike" Futrell, J.D., M.B.A., City Manager, City of South San Francisco*

Gina Rubel's book is a must-read for any law firm or professional services firm interested in implementing a results-generating public relations program. Gina combined her years of experience, track record, and expert knowledge to write this book, which is comprehensive, useful, and a handy resource.

—*Julie Savarino, Attorney & Client Service Executive, Business Development Inc.*

Two bright lawyers, equally skilled. Lawyer A has a national reputation and an enormous, ongoing stream of the most interesting business; Lawyer B ekes out a living. Lawyer B should have bought Gina's book.

—*Ross Fishman, Esq., President, Ross Fishman Marketing, Inc.*



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