

Blogs as Marketing Tools

How Administrators Can Keep the Process Realistic and Effective

BY ED POLL

In the Judy Garland/Mickey Rooney movies of the early 1940s, the standard answer to any dilemma – we need more income, people don't take us seriously, nobody knows how talented we are – always seemed to have a simple solution: "Let's put on a show!" When a law firm's management professionals and lawyers confront these same marketing-related issues today, the solution often seems to be: "Let's do a blog!" Given the demands on lawyers' time in most firms, making that solution a reality inevitably seems to involve the office administrator in a small firm, or the marketing director in a larger one. Administrators should thus be aware of what good blogs should accomplish, and how the firm can set policies and procedures to make sure blogging is an effective marketing strategy and not just another "flavor of the month."

NOT A NEW TREND

Blogging is, of course, already firmly established as a marketing tool. In late 2007, the American Bar Association's *ABA Journal* noted that there were nearly 3,000 legal blogs (or "blawgs") and cited 100 of them as leaders in the field. As a dedicated blogger (www.lawbizblog.com), I was honored to be included in that list of 100, and I have found the blogging experience to be a powerful form of communication that continually connects me to actual and potential clients in ways I never anticipated. When done right, by combining personalized observation with facts and insights, blogs are living, detailed calling cards that represents lawyers and their firms to the world. When done wrong, blogs can be a chore and an unwelcome expense that produces little return on effort and investment. I believe the difference between the two depends on having a realistic and organized blogging plan.

THE MARKETING FOUNDATION

A blog/blawg can be a powerful marketing tool by combining personalized observation with facts and insights from the lawyer's area of focus. Blogs are best used in a marketing sense when they support the creation of marketing relationships, but they must be considered in light of the firm's entire marketing strategy, not as isolated productions by themselves. That requires specific policies to define a blog's purpose.

- **Create a profile of your ideal client.** Such clients will give you the kind of work you want and allow you to develop a marketing strategy that focuses on this target, not everyone.
- **Make sure the blog supports your market and strategy.** If your firm's target market is consumers who are not so sophisticated that they regularly search the Web, then blogging is not so meaningful to them



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and may not be a worthwhile marketing strategy for you.

- **Prepare blog postings to visualize and address your market.** Readers will learn what the firm's value to them can be and why they need your firm and its services.

THE TECHNICAL INVESTMENT

There's no getting around the fact that blogs require some technological investment, and even technological expertise. However, there is no need to go to extremes on either score. As with other functions like traditional Web site design and hosting, you can outsource this task for a relatively small sum. Alternatively, you can purchase software that is inexpensive and easy to use if you want to design your blog site internally. TypePad remains the software of choice for many people for this purpose. Avoid fancy graphics and complex navigation.

TIME AND MONEY REQUIREMENTS

Even more crucial as an administrative consideration is the time that blogs involve. Making frequent posts and answering comments can take time. Let's say it's just two hours per workweek. If we assume 50 workweeks per year for ease of calculation, and two hours per week and \$200 per hour billable value for an attorney (most are charging more today), the calculation is \$20,000 of billable time used to maintain a blog. The expense can be worth it, but your firm needs policies to ensure that is the case.

- **Make sure lawyers follow up on blogging.** They should do so by responding to inquiries and incorporating posted material into articles, speeches, client updates, and so on. If you are making the effort, make maximum marketing application of it beyond the blog itself.
- **Encourage lawyers to incorporate blogging into their daily professional routines.** Occasional posts are simply not effective. A regular posting routine keeps content fresh, which is the No. 1 factor in getting a high search engine ranking for a blog.
- **Don't give away the store on a blog.** I know of one lawyer who posted a sample demand letter on his blog, only to get a subsequent e-mail from someone who used the letter to settle a \$15,000 case. Did the lawyer lose out on a fee

to do the same thing? Perhaps not, but the wisest course is to suggest your firm's knowledge and capabilities rather than to allow your readers to make full use of them.

- **Leverage the efforts of others.** Although I have generated controversy with this position, I believe there is nothing wrong with bloggers using a ghostwriter, editor, or having staff members who do research. Their contributions free more of the lawyers' time to do what's important for the blogs – and their practices.

ETHICAL ISSUES

The issue of professional responsibility is major blogging concern. Lawyers are traditionally governed by the professional rules of the jurisdiction in which they are admitted. In New York and other U.S. states, the question has been raised whether lawyer blogging is deemed to be freely available information, or advertising to be controlled by the Bar. Advocates of control assert that blogging is intended to demonstrate lawyers' credentials in a given practice area and thus attract new business just as advertising does. After all, blogging is not limited to communications with existing clients, but rather is available to the entire world. That, then, raises the issue as to whether the blogging lawyer is suddenly governed by more jurisdictions, wherever readers are located.

These concerns mean that your firm must have policies in place to avoid certain ethical snares.

- **Lawyers must maintain ultimate responsibility for their blogs' content.** This is always important, but is especially so if (as I suggest in several earlier policies) you use the services of others for technical support and posted material.
- **Avoid openly giving advice and soliciting clients on a blog.** In virtually any jurisdiction, this could leave a lawyer open to disciplinary action.
- **Avoid personal criticism or evaluation of peers.** For example, an online criticism of an expert witness in a current case could become an *ex parte* communication if the judge hearing the case reads the criticism. Opinions may have ramifications well beyond the lawyer's blogging.

THE BLOGGING TOP TEN

Blogs may represent a relatively new form of communication for lawyers, but the glamour of the



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process and the technology should not obscure what we're trying to accomplish with them. Ultimately, blogs should be regarded and managed just as any other professional activity that lawyers of the firm undertake.

The suggestions made here can be boiled down to a "Top Ten" list that will make that management process easier, either for your direct involvement as an administrator or for the guidance you give your lawyers.

1. **Write a blog, not a legal brief.** The traditional elements of legal writing – Latin phraseology, case citations, lots of words – have no place in a blog.
2. **Make blogging a commitment.** It takes real dedication for a blog to become visible. "If you write it, they will come" is not how the process works.
3. **Approach blogging as a marketing tool.** Integrate the blogging process with the firm's entire lineup of marketing tactics – it is not an end in itself.
4. **Understand that the blog and the blogging lawyer are inseparable.** Blogs are best used in a marketing sense when they show who a lawyer really is and what he or she can really do.
5. **Target your blog audience.** Blogs are open to the world. If a lawyer's practice isn't, speaking to a local civic group may bring more potential clients than blogging.
6. **Realize that blogging has a cost** – in technology, in lawyer time, in support personnel.
7. **Delegate the technical aspects of your blog.** That includes design and search engine optimization.
8. **Remember professional responsibility.** Observe all relevant rules of professional conduct governing client development that impact blogs. Consider whether it is appropriate under the

rules to link to clients. While you may not name them as clients, merely naming them may or may not be appropriate. And "recommendations" on a social network may be tantamount to a testimonial – which may or may not be permitted in your state jurisdiction.

9. **Undertake blogging as part of a regular routine.** If lawyers view a posting as a chore and drudgery they can put off by making once-in-a-while posts, the blog will be ineffective.
10. **Keep blogging in perspective.** It's another marketing tool, not the second coming of the printing press.

POLICIES ARE CRITICAL

Just as you have policies in your firm for clearing client engagements or doing a budget, so too should you have policies, such as suggested here, for how you do blogging. Keeping the process structured and managed will make it a tool that can help you secure clients and be of service to them. *

about the author

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