

## The Top 10 Reasons Most Attorneys Don't Do Marketing

By Mark Merenda

**1. Attorneys are trained skeptics.** Marketing requires faith and patience. Attorneys like to prod and poke a marketing effort until they can prove to their great satisfaction that there is no way it can work.

**2. Attorneys love to argue.** Most lawyers are smart. When it comes to embarking on unfamiliar enterprises, like marketing, they find it difficult to “be stupid” and benefit from the wisdom and experience of other experts.

**3. Attorneys are risk-averse.** As counselors, the most prudent (and safest!) advice attorneys give is, “Don’t do it!” They live in a universe where mistakes result in liability, malpractice and large judgments. In marketing, mistakes are a necessary part of growth. Taking risks and managing risk is an essential element of marketing and growth. Attorneys like contracts and guarantees.

**4. Attorneys often know little about business.** Law school offered no courses on being business-owners. Any high school business student knows that marketing is an important and mandatory part of any business. This comes as a shock to attorneys who often conceive of themselves as belonging to some sort of 19th century guild.

**5. Attorneys were educated in an anti-marketing culture.** They learned that they were in a “profession” where refined ladies and gentlemen did not

make unseemly efforts to secure business. Such people were “ambulance chasers.” (The practice of law *is* a profession, but that practice takes place within a business entity called “a law firm” — subject to all the laws of economics as any other business).

**6. Attorneys fixate on costs.** Most attorneys hate it when a prospective client plops themselves down in the lawyer’s office and starts with “What’s all this going to cost?” Yet, that is the first question the attorney asks about marketing. Focusing on costs causes paralysis. Owners of law firms must focus on revenue generation and driving the top line.

**7. Attorneys like to dither.** High “fact-finders” on the Kolbe Index, they like to analyze things. They want to do extensive due diligence. They want to consult with all their colleagues. They enjoy thinking about action more than taking action, with its attendant risks. But action conquers fear. Life rewards action and punishes inaction. Fortune favors the bold.

**8. Attorneys lack perseverance.** If attorneys do get around to trying some form of marketing, any bump on the road will throw them off. And there are always bumps in the road. Attorneys get excited about a new marketing program, and throw themselves into it passionately. Then after 45 days or so, life happens. A big case blows up. One of the kids gets sick. A check doesn’t come in. The marketing didn’t produce instant riches. The attorney decides he or she made a big mistake and gives up.

**9. Attorneys are uncomfortable with the idea of making money.** Most attorneys are motivated by a desire to

serve people. Most subscribe to some form of the Judeo-Christian ethic which is full of mixed messages about the pursuit of wealth. Most are conflicted, if not filled with guilt, about the profit motive. Many secretly think that what they do is not worth the fee they charge, since it does not involve hours of hard, physical labor. These attorneys might be more motivated if they were to think about marketing and growth as “being able to serve the greatest number of people” rather than “making more money” or “being more successful.”

**10. Attorneys define themselves as attorneys — not as owners of a law firm.** This is the single most important error, and it is a contributing factor in all the others listed here. Attorneys do not understand that these are two completely different roles that require two completely different mind-sets and two completely different sets of skills. What attorneys believe to be their greatest asset (their skill at practicing law) is actually their greatest liability. They are too busy working *in* their business to work *on* it. In order to grow a practice and succeed, it is necessary to for attorneys to conceive of themselves first and foremost as *the owner of a business called a law firm*, and only secondarily (if at all) as a practicing attorney.



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