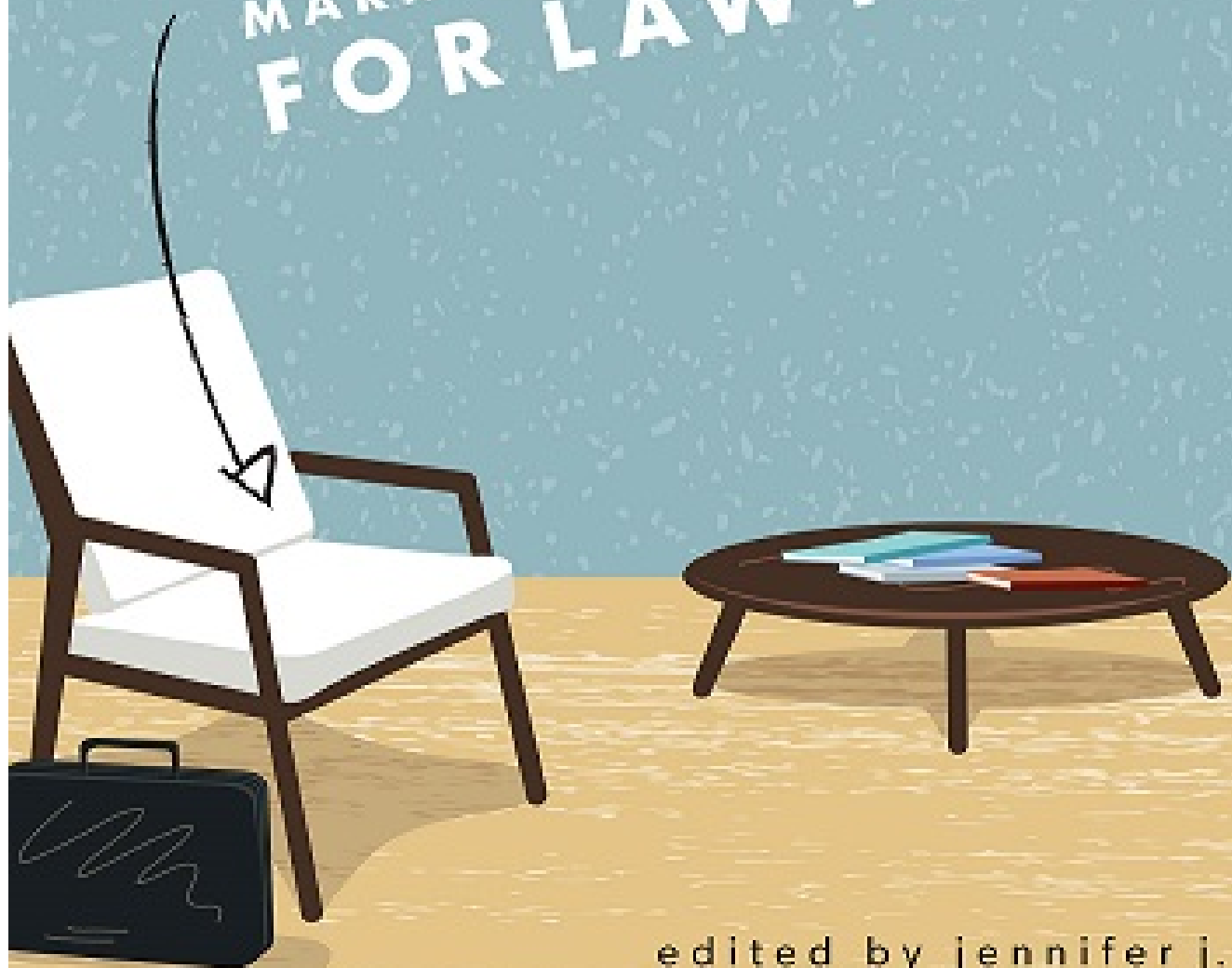


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EDITION

MARKETING STRATEGIES
FOR LAWYERS



edited by jennifer j. rose

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THE CONSCIOUS LAWYER: HOW THE PRACTICE OF MINDFULNESS WILL INCREASE YOUR BOTTOM LINE

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Law and lawyers are on the cutting edge of culture. In fact, according to the ABA Model Rules of Professional Conduct, we are crucial to the preservation of our society. The media is filled with trials and legal issues of all kinds. In our efforts to stay competitive, we must take a hard look at marketing activities that help us improve our efficiency and thus the delivery of legal services.

In this chapter we will discuss (1) the benefits of being a conscious lawyer, (2) how to become a conscious lawyer by doing your inner work and discovering your why and your purpose, and (3) how to maintain your focus with daily rituals and practices to reinforce the work and progress you make each day with a new vision for what you want and need out of your practice and your life as a whole.

We are living in a dynamic new world. In general, people want to be perceived as selfless, benevolent, and kind. In this way, we attempt to move up in social status and gain resources. It is a physiological survival mechanism. We are all driven by subconscious emotional motivations.

The fastest way to move ahead is to have your business stand for a purpose and to lead with your mission. People are drawn to stories of you performing

a selfless act of love, kindness, generosity, or heroism. By doing purpose-based branding, you will attract customers who share your values. Why you do what you do matters.

A conscious lawyer is an enlightened entrepreneur who will attract conscious clients. It stands to reason that as you cultivate new practices, you will have fewer headaches and struggles in your law practice. You will enjoy your clients and your cases more and learn to really work in a collaborative fashion. These are the new ways of marketing and *being* that becoming a conscious lawyer will provide you.

As a lawyer for over 30 years, I have seen many ups and downs in my practice. I go all the way back to the old IBM Selectric typewriters that used mag cards, the first magnetic typing device of its kind. When faxes came out, that was the coolest thing since sliced bread. To think that we could write something down and send it over the fax and the other side could see it right then was an amazing concept at the time. We used to stand over the fax machine and watch with wonder.

When the BlackBerry came out, it was just an e-mail device. I was sitting at the bar at an ABA meeting with a girlfriend who clicked a few keys in a little pager-like thing and she looked up and said, “They are coming down now.” And I said, “Who? How do you know?” She had gotten an e-mail and that was so new and different. Of course, I went out and bought one, becoming one of the first Houston lawyers who used the BlackBerry to e-mail. I would sit in court, work, and bill, and it wasn’t until about four years later that others began to do likewise. The phone was added, and the rest is history.

I say all of this to posit that the current legal landscape is ripe with opportunities. Yes, there is change. Yes, some of our old systems are good. But we must all adapt to the changing world and the accompanying technologies. We must understand the cloud, must know how to use Dropbox and other such services. We must all know about cybersecurity. Going paperless and promoting sustainability means a whole new way of keeping track of your caseload and communications with staff. And then there is the topic of social media. Some understand it and others are befuddled. All of it excites me to no end!

Lawyers who put their heads in the sand and refuse to adapt will only hasten their extinction. We must remain open minded, engaged, and ready for change.

In this chapter, I want to share a new way of thinking that is gaining traction in the business world that will help bridge the old world and the new world and somehow make sense of it all. Hear what I say, investigate it on your own, take some baby steps, and you may just find a new way of *being* that is very conducive to your marketing efforts as a lawyer and how you practice law.

The end result will be a more balanced life and more energy to pursue your dreams. I challenge you to take me up on it now and be ahead of the curve; be in the sweet spot of the wave before it washes onto shore.

When I left my job as a briefing attorney at a Texas court of appeals, which I'd started right after law school, I had plenty of cases to work on, which made starting my own practice very natural to me. In fact, I had been very independent for many years, having been a waitress and then running my own painting contracting company in college.

Looking back on those years, it is amazing how many of us began our practices with absolutely no idea how to run one. We had no classes to teach us how to make a profit, how to handle employees, how to create a culture of success, or even how to keep our books. We learned everything through trial and error. The only marketing I ever did was just to show up at events, meet people, follow up, and do it all again. I have always been active in leadership in bar associations, giving me some visibility in the legal community. I never thought about having a marketing budget or doing something to increase my caseload.

Fast forward 30 years, and things have changed. Now we have companies like FindLaw and Avvo that field cases for us. We need to have reviews on Google+, and we must understand search engine optimization to get visibility to our target markets. Social marketing on a variety of sites showcases who we are and how we run our business and our personal lives.

How Does Being a Conscious Lawyer Fit into Our Current Legal Landscape?

The new way of thinking that I refer to is that of being a conscious lawyer. To be conscious means to be aware of our surroundings and things going on around us. I add a deeper element to it. I refer to us being conscious inside ourselves too.

A good precursor to this chapter is my other contribution to this book (§5.5, “Effortless Marketing: Putting Your Unique Qualities to Work”), where I go over the importance of assessing your strengths and weaknesses, setting your goals, making your affirmations, getting the right coach or teacher, handling rejection, and never giving up on your goals. While that discussion is about how to create effortless marketing activities by getting to know *you* more deeply, this information is an overview of how to take all of that inner knowledge and move it into a law practice to make it a very satisfying business.

Benefits of Becoming a Conscious Lawyer

What is a conscious lawyer? A conscious lawyer is one who is aware of his or her inner and outer surroundings—the physical, the mental, and the spiritual. A conscious lawyer not only knows how to practice traditional law, but he or she will also exhibit a deeper empathy toward clients and will be able to nurture them and assist them in the resolution of their problems in a more compassionate way. It is a more well-rounded approach to law, and with the heightened awareness and perspective, you can not only help your clients with their case, but you also have a chance to really change their lives and behavior for the better so that they do not go out and make the same mistakes that brought them to you in the first place.

What is mindfulness? The other new buzzword that describes this practice of being more conscious that is gaining traction and acceptance in the corporate business world is mindfulness. Mindfulness is the practice of becoming more fully aware of the present moment. When you focus on the *now* in a nonjudgmental way without thinking about the past or the future, your concept of time changes and you become more aware of the fullness of life. Not all of the problems ahead of you or behind you are present. There is more of a sense of freedom and ability to get things done. When you are conscious, you really get in touch with your breath and the sensations of your body. Mindfulness is not attached to or contrary to any particular belief system, and the origins of all religions contain references to this practice.

Ekhart Tolle in his book *The Power of Now* explains this whole concept in great depth. I have a hard time reading his books due to their density, but I downloaded *The Power of Now* on my audible.com. (Whispersync synchronizes content between multiple Kindles and audio devices, even toggling back and forth to keep the reader on the same page.) I liked Tolle's work so much that I have all of his lectures on my audible.com, listening to them at least part of nearly every day. It is actually a practice that has profoundly changed my life for the better.

Basically, Tolle defines “presence” as the complete awareness of your surroundings and your body and responses in the moment. The promise is that with true presence, you are much happier, and your mind is quieted. He discusses the concept of time and how the past and future are illusions. When we think of how much time we spend thinking about the past and the future while we ignore the now, we realize how much time we waste. As you begin to really train yourself to be in the present, life gets easier. The amount of time you spend worrying will decrease. For me, I was always trying to “bend time.”

Too many commitments placed me in a pickle all the time. It feels good to not be a slave to time as much anymore, but it is a constant process that has to be maintained and developed as a discipline.

Can you relate? When you really think about it, everyone has exactly the same number of hours in the day, and it is how we utilize it and make it work for us that matters.

We have all heard the phrase “Law is a jealous mistress.” The actual quote from Supreme Court Justice Joseph Story in 1829 is “The law is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage.” “Trifling” is an adjective that means of little worth or importance, and “homage” means something that is done to someone to honor or respect them.

Most of us lawyers know exactly what that phrase means. We know how hard we worked in law school. We all go through the same process. Many of us start out in law firms and either stay or move around. Many of us start our own firm. There are many ways to get there, but in the 30-plus years I have been a lawyer, I have not heard many of us talk about how to form a law firm, how to run a law firm, or how to get the most out of our lives as lawyers. We need to open that discussion and share with each other in a deeper and more profound way.

Yes, law is a jealous mistress. I think the relationship is well worth it. I encourage you to explore a new way of looking at our profession and a new way of approaching things that will produce a higher quotient of happiness in the workplace and contentment at home. Right now, the movement in this direction is slight and imperceptible.

I predict that in the next five years these concepts will be more widespread, and law firms will respond to the call for change to keep our profession and its members healthy, viable, and able to really care for and connect with the public who so desperately needs their help in navigating the choppy waters of our legal system today.

Much of what I say comes from my own experience and the things I do in my own personal life to achieve this optimum health and happiness that we all desire. You know those awesome hormones—the endorphins, oxytocin, dopamine, and serotonin—that come out when you are doing something you love, making you feel on top of the world? That’s what I am talking about. We don’t really need stimulants to produce those feelings. There are other healthy, calming, and unstoppable ways to reach those peaks that only take a little practice to learn and adopt.

What we jawbone about is our cases, our clients, our “kills.” Most of it is macho talk meant to impress or make ourselves look better and more worthy

as lawyers. We are fiercely competitive, and yet we have a distinct unity and loyalty to one another. We do not share the stresses of the fear of losing that one big client as we sit in our office alone and wonder how we will make it through the month or the year. Many of us have a huge overhead, we have problems hiring and keeping competent staff, and we have families that need our attention. And often the last person on our list to pay attention to is ourselves. Somehow, in the pursuit of “success,” we have lost our ability to connect to our needs. Are we still dreaming? Are we still enthusiastic and excited about our lives? It is my desire that every lawyer feel a huge amount of satisfaction and pride in his or her work. We have a long way to go. Somehow, our honored profession has become more difficult and challenging as new rules, restrictions, and requirements are forced on us.

This chapter posits that embarking on a path of self-discovery will assist you in the setting of the foundation of the firm, the operations of the firm, the community of the firm, and the success of the firm.

You might say, “I am interested in learning how to make more money and bring in more clients; I don’t have time for all this woo-woo stuff. Teach me how to make more money. That is what I am interested in.”

If you just take it easy and hear me out here, something I say may make a difference and make things easier for you.

Would you like to glide through your day with purpose and excitement? Would you like to be more in tune with your health and your relationships?

How to Become a Conscious Lawyer

Find your true purpose or your why.

Construct your mission statement. A mission statement is a short concise statement of your business purpose, goals, and reason for being in business.

How does living your true purpose help the bottom line? You will not only represent your clients competently, but you will also bring a heightened level of expertise and empathy to the nurture and care of your clients. The value added to your clients will be the sensitivity with which you have treated them, the care and concern you have cultivated. And that will bring in more positive online reviews and word-of-mouth referrals.

True Purpose

The worksheets I have provided after this chapter will help you do an honest self-assessment. You will be more aware of your true purpose and then will

be able to prepare your firm mission statement. Once you have your mission statement, post it on your website and let the world know your values. Then it is time to do a firm business plan. A business plan is a detailed plan setting out the objectives of a business, the strategy and tactics planned to achieve them, and the expected profits, usually over a period of three to ten years.

Meditation

The fastest way to become more mindful and conscious is to develop the practice of meditation. Meditation can be as simple as focusing on the present moment and quieting your inner dialogue. Meditation is defined as the act or process of spending time in quiet thought.

Some people prefer to call the meditation experience their prayer time or their quiet time. However you get there is fine. Quieting the mind is a very productive process for us as human beings. It helps us achieve a state of calmness and strength, and we tend to worry less and become more focused. Less stress and better physical performance make us more productive so we can enjoy our lives more. There is even a concept known as laughing meditation. I always say that laughing is internal jogging. When you laugh, you relax, momentarily forget your anxiety, and are in touch with your body and senses. Dance is also a form of meditation, as in conscious dancing or ecstatic dance. There are many ways to get there, and surely you can find one that you like or that resonates with you.

As you begin to practice meditation, you will find that you notice more things around you, you pay more attention to things that matter, and the small stuff fades into the distance. One example is how you deal with traffic. If you are fuming, cussing, and beating your fist on the steering wheel when you are in traffic, you are not in a state of consciousness.

When you are conscious, you find ways to use the extra time in traffic as a gift, a chance to express and feel gratitude and a whole host of other positive emotions rather than stress and strife. We all know that the less stress we have, the better we are. I know that lawyers are adrenaline junkies. I myself have thrived on the rush of the panicked state of trying to meet trial deadlines. Nevertheless, I promise, the practice of meditation will help you tame that dragon. It can also lower blood pressure and help with other physical ailments caused by stress that we lawyers experience due to the nature of our profession.

Law Firm Environment

Now that you have developed a conscious mind, know your true purpose, and have made your mission statement, it is time to create the optimum law

firm environment. You need to set your goals by making a five-year plan and a one-year plan and then breaking it down into monthly goals. I discussed the power of making goals and creating affirmations in §5.5, “Effortless Marketing: Putting Your Unique Qualities to Work.” It is best to develop practices and rituals that support you in maintaining your new state of being. Little things can go a long way. Putting your hand over your heart and expressing gratitude before you leave the house each day is an example of a ritual that will nourish and support your consciousness. You will be better able to solve problems with a clear mind and a clear vision of what your mission statement is all about. This practice helps keep you on track and keeps you from being burned out.

In this short chapter, I have thrown out a few concepts that really deserve more time, and this process has prompted me to consider writing more deeply on the subject as I pursue my path each day. I still love the law, still love lawyers, and am excited as to what the future will bring. I would love to hear from you about your efforts to cultivate your true purpose and your state of mindfulness in your daily life. Good luck and keep in touch.