

Play to Win

The Power of Facts in Marketing

By [Sally J. Schmidt](#) | Apr.25.16 | [Business Development](#), [Daily Dispatch](#), [Legal Marketing](#), [Play to Win](#)



Let's say you just found out you have a rare illness. Suddenly, you are in the market for a specialty physician. You do some research, get some names and make an appointment with one or two doctors. What kind of conversation would you have? My guess is you would ask questions like: "Have you treated this illness before? How many times? What kinds of protocols or treatments have you used? What have been the outcomes? What can I expect?"

Well, for a lawyer, your clients and prospects are no different. If you're a real estate attorney, a client may want to know how many shopping center leases you have handled. If you get a call from a client looking to buy a bank branch, she may want to know how long these acquisitions usually take. If you're an employment litigator, a prospect may want to know how FMLA cases usually turn out.

Facts are powerful marketing tools. While I often suggest keeping track of your work, I should emphasize it even more.

Capturing History: Track Your Practice Information

The format you use to track your experience can be a simple spreadsheet or chart. Depending on your practice, you might capture:

- **Description of the matter.** Each practice will be different in terms of the categories. In IP litigation, for example, you might track patent, trademark, trade secrets, etc.
- **Client (name of the party you represented).** You may want to get a reference in the future or pull the file to refresh your memory.
- **Value/size of the matter.** Depending on the area, it could be the sale price, the number of parties involved or the money that was on the line.
- **Dates.** You may want to track both start and end dates so you can better assess how long matters take, like a certain kind of regulatory approval.
- **Industry.** How many non-competes have you handled in the health-care, brokerage or technology industries?
- **Resolution.** You should track how the matter turned out. In litigation, was it settled? Dismissed on summary judgment? Won on appeal?
- **Fees.** You'll want to keep track of what clients paid for each matter.

- **Source of business.** If you can, you should also indicate where the client came from.

Using the Information in Your Marketing Efforts

There are myriad ways to use this information for marketing purposes. You can analyze the typical duration of matters, calculate the approximate costs, aggregate the number of matters and develop rules of thumb. For example, you might:

- Promote that you closed X deals with a value of more than \$X in the past five years.
- Advise clients how long a particular type of financing typically takes to close.
- Let clients know that similar real estate matters have cost in the range of \$X to \$Y per square foot.
- Note how many divorces you have handled for airline pilots.
- Calculate that you've done X deals in the agricultural industry or have represented X of the top 50 construction companies.
- Identify the best referral sources for the best kinds of clients, cases or matters.
- Promote your experience for a substantive "College" application (e.g., ACTEC).

Whether you are using these facts for your website bio, in a proposal or in pitch meetings, your message will be much more compelling. Of course, from an ethical standpoint, you cannot make promises nor do you want to create expectations for a certain outcome on the part of clients. But think about how a client's confidence in you will increase if you can talk about your experience and their substantive matters based on history.

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