DEVELOPING YOUR NICHE – HOW TO CREATE A NICHE PRACTICE IN A SOLO/SMALL FIRM

Strategic Solutions for Solo & Small Firms
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I. Overview

Do you love practicing in a certain area of the law, for a specific industry, or in a geographic area? Do you want to develop an expertise so that people see you as the “go-to lawyer” for a certain practice area rather than one who will take any matter that pays the bills?

You can do it! A niche practice focuses upon an area of law, a specific industry or a geographic area. Developing your niche will allow you to do what you love, for the clients you enjoy.

II. Benefits of Limiting Your Practice

There are many benefits of limiting your practice. These include:

☐ You will develop an expertise (and a reputation as an expert) in your practice area – perhaps becoming the “go-to” lawyer in your area.

☐ You will be able to provide services more efficiently.

☐ You will gain referral sources, as other lawyers who once viewed you as a competitor will now look at you as a resource for their clients and possible referral sources for them.

☐ You will be able to focus your marketing efforts and dollars (and your website will be better, too!).

☐ It will be easier to say “no” to cases that do not fall within your practice area.

☐ It will be easier to keep up-to-date on legal developments.
III. Challenges of Limiting Your Practice

Limiting your practice, while it can be very rewarding, can present some challenges. Most significantly, you must learn to turn down cases that sound exciting but do not fall within your practice area (of course, those may also open up the possibility of new practice areas that you may want to consider, in which case you may not want to turn down the business).

IV. What Area Do You Want to Practice?

To have a niche practice, you need to know what area of law you want to practice, what industries you want to work with, and/or the location in which you would like to practice. While there is no single method to determining your niche, think about:

☐ What do you like to do? Do not set up a niche practice doing something you hate.

☐ What types of clients do you like to work with? Do you prefer to work with business or individuals? If businesses, what size? If individuals, do you prefer the affluent or those less well-off?

☐ Are there certain industries in which you like to work?

☐ Is there a geographic area in which you would like to practice?

☐ Are there time constraints? For example, if you do not like to have your weekend ruined at the last minute, having a niche practice in emergency relief (restraining orders) may not be the best option for you.

☐ Are there financial concerns? If you need to earn at least a certain sum of money, some practice areas may be better than others. Do some practice areas require a larger support staff than you care to have?

☐ Do you have the educational background? Some practice areas (such as intellectual property) may require an educational background that you do not have.
V. Become, and Remain, an Expert in Your Area

To develop a niche practice, like any other venture, takes time and effort. It will not happen overnight.

Learn everything you can about the area of law or industry in which you want to focus. Learn everything you can so that you will have knowledge to sell. Attending CLEs and other courses is important, but do not just learn the law; learn the “unwritten” things you need to know, such as what are the current issues. Join listservs and on-line discussion groups. Join boards and committees. Even better, get ahead of the curve and learn about what will be happening, whether it be pending legislation or cases on appeal.

If possible, work with people in the industry and more experienced attorneys who can help you learn. Offering your services on a contract basis is one way to work with more experienced attorneys who may have a need for someone at a lower billing rate.

Volunteer with organizations that would allow you to learn more about the issues you will be facing. You could also consider offering your services to non-profit organizations at reduced rates.

Distinguish Yourself

How are you different from every other lawyer who practices in the area? Do you have a unique background? Have you faced the same issue as your clients? Are your rates better than others (caution regarding rates: If you rates are too much lower than others, people might view you as not being as good as others).

VI. Market, Market, Market!

How often have you being talking to someone you know about your practice when he/she says, “I didn’t know you did that?” We have all had that experience.

Tell your clients, other attorneys, and everyone you know of your practice area. When you narrow your focus, it makes it easier for others to remember you and to know what you do.
Go where your hoped-for clients (and other lawyers in the area) go. What organizations or trade groups are they in? Join them and become involved. What do they read? Write articles. Attend seminars and, if possible, become a speaker. Become a resource for newspaper and magazine reporters.

Your goal should be not only to obtain business, but to increase the potential of obtaining business. You should be increasing your profile, improving your credibility, and gaining referral sources.

Keep your website up-to-date, and discuss specific examples (being careful not to disclose confidential information). If you have had a recent success, highlight it! Think about your domain name (of if you want to have more than one). It should tell prospects what you do, without being too narrow.

Don’t forget about your current clients. Keep your name in front of your clients. When new developments arise in your area, tell people about it. A simple e-mail is all it takes to remind people who you are, what you do, and how good you do it!

Carefully prepare your marketing materials. Also, consider different materials depending upon the target. For example, if you practice employment law doing both litigation and preventative work, you may want one biography that focuses on the former and one that focuses on the latter. When talking to a prospective client, you can then hand out the biography that would be of most interest to that target.

VII. Turning Down Potential Clients

Turn down a potential client? Never! But, if you want to limit your practice area, you must learn to say “no.” This is true even when you are slow and the income would be nice to receive. The nice thing is that by limiting your practice, it becomes easier to turn down potential business since you can truthfully tell people that you do not regularly practice in the requested area.

Do not, however, simply turn people away. Instead, explain to the potential client that the matter is outside of your practice area and refer the potential client to another attorney – or attorneys – whom you trust. By so doing, you will benefit in at least two ways: First, the potential client will appreciate the referral. Second, the lawyer who receives the referral will appreciate the
referral – and will think of you the next time he/she has business to refer within your practice area.

If you decide to accept the occasional matter that is not within your niche, do so carefully and with caution, and keep it to a minimum. It goes without saying that you must be competent and comply with any applicable ethics rules. Beyond that, if you are accepting a matter because, for example, your practice is slow, what will happen when your business picks up? Will you still want the matter? At that point, it won’t matter what you want, since you will have the matter and must continue to work on it.

VIII. Do Not Become Too Discouraged

At times, you likely will become discouraged. Try not to become too discouraged, however. Very few lawyers – especially solo and small firm lawyers – are able to avoid the peaks and valley nature of practice. You will experience some valleys (which may be reduced if you continue to market during the peaks). Keep plugging away and remain confident.