



San Bernardino County Bar Association

BULLETIN

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Our 146th Year

January 2021

*Wishing you All
a Safe and
Happy New Year*

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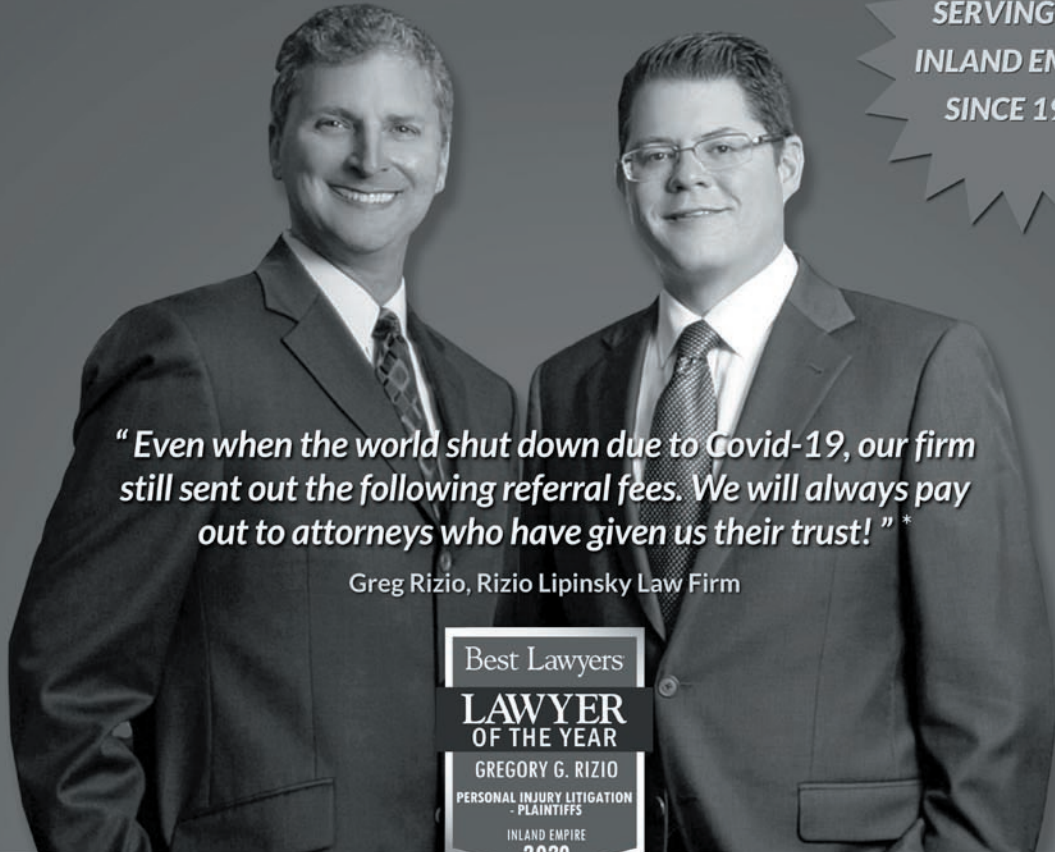
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From the President's Desk

by Barbara A. Keough

A few years back, I attended my first strategic planning conference with a handful of my colleagues. I may not have remembered everything I learned that weekend, but I do remember one question posed by the moderator: "What is the main purpose of your business?" There were a lot of reasonable and logical answers offered, but the bare-bones purpose was: To make money.

We build our practices with the help of our teams, our co-workers, our staff. A good working relationship is invaluable in creating a productive and lasting practice. Everyone wants to be appreciated. The genuine appreciation of others is a good investment. Everyone needs to feel that what they do makes a difference. Recognizing attributes in people can inspire, build character, engender confidence and enhance return on investment. People need to know they are valued, and the act of appreciation must be sincere, else it appear cynical and destructive. People in the workplace need to feel appreciated in order to enjoy their job, to put forth their best work and continue working over the long haul. Authentic gratitude brings positive results to any business and mitigates the negative consequences that result when employees do not feel valued.

While most colleagues genuinely appreciate the people with whom they work, they often neglect verbally expressing that appreciation. Complimenting or acknowledging a colleague or coworker in front of others builds pride and affirmation. Receiving a compliment or having a colleague report to others how valuable his or her contribution was to the success of the project is extremely meaningful and affirming. It implements the principles of mutual appreciation and encouragement among team members. Giving praise for accomplishments, affirming a person's character traits such as perseverance, honesty, integrity and patience, is a form of verbal appreciation. Affirming personality traits such as a person's optimism, neatness, punctuality, etc., is likewise appreciated.

For instance, adding a "thank-you" to the end of an e-mail to an office assistant goes a long way. Saying, "I appreciate your taking the time to go the extra mile for the client," builds confidence. Recognizing a particular trait in an assistant or secretary has an impact: "I truly admire your amazing organizational skills." Saying to the receptionist, "You are so pleasant when you answer the phone. Your voice is calming, and you are very patient with the callers. I really admire that in you," engenders pride and lets the receptionist know that you acknowledge his or her good work.

There are other avenues to extend a sense of gratitude to staff and colleagues. Although we are confined to working with a small staff or working remotely, we can still spend quality time with others. Stopping by someone's office, sitting down, turning off the cell phone and other distractions and taking a few minutes to check in and hear how things are going communicates a genuine expression of interest in what they are doing and makes them feel valued. Make sure it is quality conversation. Maintain eye contact. Whether you're meeting face-to-face or on the phone or video conference, resist the impulse to interrupt or look at your phone or wristwatch. Listen for feelings as well as thoughts. Observe body language and affirm their feelings, even if you disagree with their conclusions.

Some people don't really care about words of affirmation or spending time with others. They prefer to see others pitch in and help get things done. Teamwork builds confidence and lets staff and colleagues know that there is no task beneath us - we work together to achieve the goal.

The smallest gesture, such as a kind word of thanks, may has an impact. Everyone - no matter what their rank in the company - needs to feel appreciated. Gossip, hurtful talk, disrespectful comments and the like have a long-lasting effect on others. On the flip side, words of gratitude, especially in front of other colleagues and peers, has a similar long-lasting effect and operates to build up character and harmony within the workplace and beyond.

"Kind words can be short and easy to speak, but their echoes are truly endless." - St. Mother Teresa of Calcutta

Much of the information in this article is attributed to The Five Languages of Appreciation in the Workplace: Empowering Organizations by Encouraging People, by Gary Chapman.

Civil Jury Trials in Riverside County: Best Laid Plans...

by Presiding Judge John Vineyard

As the COVID-19 pandemic extended through the summer of 2020, and experts predicted longer and greater impacts, it became clear that the Riverside Superior Court would not be conducting live civil jury trials until mid to late 2021. As I write this article (December 23, 2020), vaccines are in the early stages of deployment, with projections of wide distribution by late spring or early summer of 2021. Until the vaccines have made the impact on the pandemic that we all hope for, social distancing and other pandemic mitigation measures will be necessary. Several months ago, civil judges began working on plans to conduct virtual jury trials beginning in January 2021.

We are also in the throes of the COVID-19 “Thanksgiving Spike,” heading into the Christmas and New Year’s spikes. It appears that the pandemic will get worse before it starts to get better. In early December, Governor Newsom issued a new Stay at Home order to address the scarcity of Intensive Care Unit (ICU) beds and the general impact of COVID on the healthcare system in California. In response to that order, I consulted with our court leadership and we made the decision to suspend new jury trials until at least December 29, to reduce the risk to jurors and others in our courthouses. Since we were only conducting jury trials in our criminal division, only criminal trials were affected by that order. The new orders will not be lifted until ICU capacity in our region exceeds 15%. As of today, that capacity is 0%. Today, I signed an order extending the suspension of jury trials through January 2021. That order will impact civil jury trials.

Some context and background will be helpful in understanding why we cannot conduct civil jury trials live and why we will not be able to do so for quite some time. Before the pandemic, the Riverside Superior Court had twenty-five criminal trial departments operating throughout the county. At the end of November, we had twelve, and that was our maximum capacity. Why? And how does that impact civil trials?

In response to the pandemic, as we reopened our courtrooms over the summer, we took several steps to avoid the spread of COVID-19 that have significantly reduced on our ability to conduct live trials. The most direct impact is caused by social distancing. Instead of calling a panel of seventy-five jurors to a courtroom for voir dire, we can now call only eighteen at a time. Our jury assembly rooms which, pre-pandemic, could accommodate hundreds of jurors at a time, can now accommodate fewer than one hundred. Jurors still report for jury duty when they are summoned, but at a rate 5-10% lower than pre-pandemic and many more request to be excused for hardship. With

these logistical limitations, we can barely keep twelve trial courtrooms operating. We have also added more misdemeanor and criminal calendar courts to reduce the number of people in those traditionally high-volume courtrooms, so we have fewer courtrooms and judicial officers available for trials.

What does that have to do with civil trials? First, we simply cannot process the additional jurors that would be needed for civil jury trials. In Riverside and Murrieta, civil and criminal share the same jury assembly rooms. In Palm Springs, the jury room, and the building in general, are inadequate to accommodate social distancing (which is why the Palm Springs Court is not yet open to the public). Second, in the Riverside Historic Courthouse, and to some degree in Palm Springs, the courtrooms are not large enough to seat a full jury with social distancing.

So, what is the plan for civil jury trials? Virtual jury trials. A committee of judges, beginning with Judge Angel Bermudez who laid the initial ground work, followed by Judges Russell Moore and Craig Riemer, with input from the entire civil bench, has developed protocols and procedures to conduct civil jury trials via WebEx. Judge Bermudez and Judge Moore have presented several webinars to the bar to introduce the virtual trial plan. Emergency Rule of Court No. 3 authorizes the use of remote technology for all civil proceedings. Several of our civil judges have successfully completed bench trials via WebEx, and other California courts (notably Alameda County) have successfully completed virtual jury trials. While we understand the drawbacks to virtual jury trials, and understand that they are not optimal, they are, for the foreseeable future, the only viable option for Riverside County. While, each judge has the discretion to set, conduct, continue or stay trials, the consensus of our bench is that we will be conducting virtual jury trials until we can begin live trials again.

Until today, civil jury trials were still scheduled to begin, virtually, in January. However, since our plan requires civil jurors to report initially to the jury room to take the juror oath and fill out a questionnaire, civil jury trials are now suspended until January 29 (at least). Each civil judge will exercise his or her discretion to continue, trail or otherwise address trials set in January. Personally, as I return to Department 7, I intend to use the trial calendar as an opportunity to make sure parties and counsel are prepared for virtual trials, so that they are ready to go when we can start virtual jury trials. In the meantime, civil bench trials and all other civil proceeding will go forward as scheduled, via WebEx.

As I write in December, I can’t predict when virtual jury trials will begin, other than that they will begin, and that they will continue as long as social distancing is necessary.

Additional information, including details department rules and orders for virtual jury trials are available on the Court’s website.

Civil Jury Trials in the San Bernardino County Courts

by Judge Lynn M. Poncin

Justice Sandra Day O'Connor is quoted as saying, "The courts of this country should not be places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried." And perhaps, given the pandemic and the limited judicial resources, parties should consider alternative dispute resolutions for civil litigants and appropriate dispositions for criminal defendants.

As for civil jury trials, the sad truth is that currently the chance of holding one in the near future is very slim unless the case has preference pursuant to Civil Code of Procedure (CCP) section 36 or facing a five year deadline (CCP §583.310). And even then, no new trials, either criminal or civil, are currently being held in San Bernardino to limit the number of people entering the courthouse during the surge of COVID-19 cases and lack of capacity in the intensive care units of local hospitals.

So what can civil litigants do to have access to justice? Perhaps now is the time to be creative and to think outside the box if parties do not want to stipulate to having the matter heard by the court rather than a jury. Remote jury trials may be a possibility. And while many civil practitioners want to make a connection with the jury and see them face to face, ask yourself how much of the jurors' faces are you really seeing when one is wearing a mask. Can you really gauge the juror's response to your opening statement, your witnesses' testimony, or your closing argument when all you see is a person's eyes? And remember, not only are the jurors wearing a mask, but they are spread throughout the courtroom to comply with social distancing. However, if the jurors were remote, there would be no need for a mask and you could see their entire face and better gauge any emotional response or reaction to your case.

Since the court has reopened, only two civil trials have commenced. One was a trial nearing the five year deadline and one was a trial in which preference had been granted, but was vacated and the court found good cause to proceed. The five year trial was completed and the jurors were able to reach a verdict. The trial that once had preference was suspended during the surge of COVID-19 cases. All other civil cases have been continued into 2021.

The San Bernardino Superior Court is looking at ways to hold civil jury trials remotely because it will be many months before the court resumes normal functioning. Currently at the San Bernardino Justice Center, due to social distancing, when in-person jury trials resume, the courthouse will only be able to accommodate three to five jury trials at a time. The number of prospective jurors coming to court has decreased and our jury assembly room can only hold a limited number of people. We need empty/open courtrooms to stage

multiple groups of prospective jurors and we need empty/open courtrooms to use as jury deliberation rooms. Also, criminal trials will have preference, so that an average run of the mill "automobile versus automobile" civil case is last in line to be heard. And this does not take into consideration the number of unlawful detainer jury trials and bench trials that will take priority and have preference once the moratorium on hearing such cases has been lifted.

Civil practitioners have already had to adapt and change due to the pandemic. Attorneys are working remotely and depositions have been conducted remotely as well. A remote jury trial would not have to mean that everyone appear at the trial remotely, such as the asbestos cases heard in Alameda County this year. Perhaps have a hybrid so that the attorneys, the parties, and the witnesses all appear in court and only the jurors are remote. Or have all the jurors and all the witnesses appear remotely and only have the attorneys and the parties present in the courtroom. Remember, only so many people can be in the courtroom due to social distancing. So if you have a case with multiple attorneys and multiple parties, having jurors appear remotely would allow larger cases to proceed. It should be noted that the San Bernardino Superior Court also has a large temporary courtroom in the Historic Courthouse to allow for larger civil trials to go forward.

As for criminal trials, while only one civil trial has been completed in San Bernardino, the court has proceeded with criminal trials throughout the county. Since we have reopened, 79 criminal trials have been completed countywide. But the number of trials that can be heard in Rancho Cucamonga, Victorville, and Joshua Tree are limited in the same way as the San Bernardino Justice Center. The number of courtrooms that can accommodate trials have been limited and the jury assembly rooms also have limited capacity. Rancho Cucamonga has the capacity to conduct 3-4 trials at a time; Victorville only has capacity to conduct 2 trials at a time, and only 1 trial may proceed in Joshua Tree. In Victorville, the court is using Victor Valley College as an off-site location to house prospective jurors.

Both civil and criminal practitioners face many challenges in trying a case either in-person or remotely. Many issues should be addressed with the trial judge at the pre-trial conference in order to prevent delays and to clarify issues for everyone involved such as jury selection, how to communicate with your client during the trial, sidebar conferences, and the handling of trial exhibits, all of which must be conducted while maintaining proper social distancing protocols. These are just a few of the issues that attorneys should be thinking about heading into trial.

Our normal way of doing business no longer works. We must all work together to create new ways to access justice and provide a way for trials to proceed in these difficult times.

Honorable Lynn M. Poncin is the supervising judge for the Civil Department in the California Superior Court located in San Bernardino County.



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We are Not Alone

by James O. Heiting

Depression, anxiety, feelings of doom, loneliness, increased drinking or drug use, feelings of being out of control. 2020 has crushed in on us like no other year. COVID-19, demonstrations, riots, divisions in America. These are just some of the things that make us feel alone and that we have no control over our circumstances.

And the rules! Wearing masks, social distancing, constant cleaning, no going out, no restaurants, no theaters, no entertainment, no sports, no parks. We can't even visit our loved ones in the hospital or have a memorial for them should they pass away.

"It has been so nice getting Christmas cards and letters this year - more than ever before!"; or, "I just wish I was able to see my mom and dad."; or, "The hard part is knowing how much good quality of life is being stolen from my kids. They can't play with their friends. They can't go to scout meetings. We can't go camping. They can't even go to school!"

There is no doubt that the COVID-19 restrictions sometimes feel crushing. The social isolation leads to increased depression and anxiety, increased alcohol and drug use (alcohol sales are up well over 20% this year) and increased suicides. People feel lonelier.

One of the key things to note, though, is that we are talking about "people". We are not alone in feeling isolated or lonely. We can take solace in the fact that these are common symptoms, and we can work on them, overcome them, even use them to our advantage. We can actually, in many ways, keep in touch better and more often than we ever did before.

We have the ability to make better contacts with our families, pay more attention to our children, use this time to learn and to grow. Perhaps we attack that project that we have been putting off for so long or write that book that we have been talking about. Perhaps we work on that degree or that goal that we had set aside because of our busy schedules.

And what a remarkable coincidence that Zoom and similar services that promote connectability have become so accomplished and available. Social media connections are greater than ever. We can attend meetings with people across town, next door, or in the next country.

One of the things we can be thankful for is the availability of people who care. We are not alone, and there is no need to be alone. Services like The Other Bar (800-222-0767), a statewide organization of lawyers and judges helping other lawyers and judges (active, inactive, retired, and even law students) has meetings almost daily and has a 24/7 hotline for anybody who wants to talk about alcoholism, drug addiction, or depression. Even if you think that you are not chemically dependent, but that you may be heading in that direction, The Other Bar is available to help. Exploring options and directions, while maintaining anonymity and confidentiality, is a blessing and is available to all. The Other Bar has been instrumental in promoting lawyer assistance programs throughout the country and in supporting the American Bar Association's current push to improve lawyer wellness.

The California Lawyers' Association (the voluntary side of what used to be the State Bar) has taken up the challenge to support attorney wellness and has become a great resource in that regard. Some of their suggestions include a "CLA Wellness Challenge Matrix" (visit calawyers.org/health-and-wellness/ for more information).

I recently read Matthew McConaughey's book, "Greenlights", and I was struck by his observations: the events of this year "forced us inward, literally quarantined us to search our souls for a better way forward. In doing so, we took inventory of our lives and who we are in them - what we care about, what our priorities are, what matters. We got to know our children, families, and ourselves better. We read, we wrote, we prayed, we cried, we listened, we screamed, we spoke out, we marched, we helped others in need... For those of us who survived... we [can] work individually to make the justified changes for a more value-driven and righteous tomorrow... 2020 will [be] in the rearview mirror of life... and perhaps be seen as one of our finest hours." I hope so. That is how I choose to live.

If you are feeling depressed or terribly lonely, if you are increasing your use of alcohol or drugs to cope, if you are thinking about escaping from the pressures of this world once and for all, just take a moment to call The Other Bar, or the LAP, or the Suicide Prevention Hotline. Resources are available, and The Other Bar knows where they are and how to get them. If you would like to talk to me, I am more than happy to take that opportunity. My hand is extended out to you, should you wish to take it. We can walk this walk together.

May we all be blessed with a much better year in 2021.

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Innovative Marketing in Difficult Times

by Sharon D. Nelson, Esq. and John W. Simek
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Setting the Stage

In early March, we would not have dreamed that we would have to adapt our business to a pandemic. Like everyone else, we suddenly found ourselves in a work-from-home world, beset by complications and emergencies.

After we got everything up and working (and that took a while), we began to focus on marketing, because that too needed to be reviewed and adapted to a new world.

Ethics in this New World

Here in Virginia, we are fortunate that our marketing ethics rules were greatly simplified several years ago. We streamlined the regulation of lawyer advertising down to a single standard – is the advertising false or misleading? We eliminated the boilerplate disclaimer for advertising specific case results. But note well that specific case results may be misleading if they omit material facts or need to be put in context that is not misleading.

If you are not in Virginia, make sure you have read the ethics rules applicable to your state. Most states are not so simple or so liberal.

COVID-19 and the Economy

It's been quite a roller coaster ride, hasn't it? The stock market surged, the stock market plummeted. Economic indicators looked pretty positive, economic indicators looked ominous.

Some law firms are hiring, some are firing. So-called "stealth lay-offs" are reputedly happening in BigLaw. Solo/small firm lawyers wonder if they can hang on. Who is up and who is

down has a lot to do with a lawyer's area of practice. But it also has to do with the ability to assess what is and what is not working in terms of practicing law – and marketing. We changed how we practiced law when the pandemic struck – in ten weeks, we moved ahead ten years (hat tip to Clio CEO Jack Newton for that memorable line).

How Do We Get and Keep Clients?

First, we don't throw away everything we knew about marketing before the pandemic. Relationships are still very important, but how to maintain them has changed.

Second, we look for new opportunities presented by the pandemic. It is an overused word, but we do in fact need to "pivot" and not remain chained to the past.

Third, we realize that marketing dollars are scarce for many, so marketing must be affordable.

Fourth, we acknowledge that if we are not as busy as we used to be, we have more time to market. If your workload has suffered, this is no time to let inertia set in.

New Tools are Our Friends

The truth is that many lawyers, prior to the pandemic, were not doing electronic contracting, not videoconferencing, not collaborating with clients via secure client portals, etc. Some didn't allow credit card payments.

From the client point of view, this was very archaic. So many more clients are now being served in ways they wanted to be served. The big lesson for lawyers is to become increasingly client-centric. *(continued next page)*



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Make it easy for clients to deal with you electronically from electronic signatures to electronic payments to collaborating securely online. Clients love that they can go to a client portal and see their invoices, pay their bills, and review their documents. Lawyers who cannot provide such services are far less appealing when prospective clients look for an attorney.

90% of credibility is VISIBILITY.

We have been saying that for a very long time, and it is no less true today, even though most marketing today is not in-person.

So how can you achieve that kind of visibility? Here is some of what we have done.

For years, we were reimbursed for travel to live conferences and paid honorariums. Once COVID-19 hit, we very quickly developed several CLEs related to cybersecurity in a work-from-home world, lawyers wellness, defending and responding to ransomware, using Zoom securely and, yes, innovative marketing.

We marketed those webinars across the country to CLE coordinators, bar association executive directors etc. Did we ask for money? Nope. And to the credit of many bar associations, they wanted very much to offer free CLE to their members as a service.

As a result, they were thrilled to have veteran national speakers as guests and we've never looked back. Tens of thousands of lawyers have attended our webinars since March of 2020 – and it has proven to be a boon to business – we are very much “top of mind” when webinar attendees need managed cybersecurity or IT services – and digital forensics.

Community Service is Marketing

We have been devoted to serving our community for many years. Pre-pandemic, there were many live functions, runs for justice, CASA's Light of Hope celebration, and so many other things we attended and supported. Stressing that we would have been generous without any marketing benefit at all, we note cheerfully that people like to do business with good people.

So we have made a long list of donations this year, receiving a great deal of publicity in return. We have also attended various virtual functions – and don't suppose that people don't look and see who is there! While we don't get to see people as much as we would like, we are still listed as sponsors in many places and people do see us on Zoom. We also follow up with communications after virtual functions. Once again, we have “presence.”

Books, Blogs, Articles and Podcasts

To date, we have co-authored 18 books published by the American Bar Association and written hundreds of articles which have appeared in ABA publications and bar association publications across the country.

We have doubled down on writing timely articles which lawyers need to read during these difficult times. As a result, our writings have been published more than ever before. Our reputation has been enhanced nationally and we are once again top of mind when it comes to the services we provide.

In 2020, we saw a huge surge in people downloading our two podcasts, publishing our articles and following our blogs. While we understand that you can't do everything, you might consider whether you want to start a blog (don't let it molder though or you'll look worse) or begin writing articles for publication (on your website of course, but also send it to legal publishers).

Podcasts can be a bit trickier – self-produced podcasts are often amateurish. But if you find a legal focused podcast company (ours is Legal Talk Network), they do all the heavy lifting for you – and the result is that thousands of people are downloading your podcasts and listening to your extensive knowledge every month.

Remember our earlier remarks about the importance of visibility!

Use Your Emotional Intelligence

Most lawyers are very intelligent, but not always emotionally intelligent. In a time when lawyers are very apt to be stressed, anxious, etc., they sometimes forget that their clients and prospective clients are also having issues dealing with both the pandemic and possibly experiencing tough times financially.

Giving people a little extra time to talk about themselves is very helpful. We work hard (and even take notes) to ask how people and their families are doing. We reference what they told us the next time we talk. People remember when you remember.

We “listen more deeply” than ever and our personal relationships with clients have deepened as a result. Not only does this make your current clients happy, it makes them more likely to be a source of referrals. We tell our colleagues all the time that much of the secret to our success is that we REALLY LISTEN.

Of Driveway and Deck Dinners

Our driveway and deck dinners have perhaps been the most notable of our innovations. Since we could no longer safely network in-person, we invested in comfortable outdoor chairs, bistro lighting, patio heaters, lanterns, tents and canopies for bad weather, chafing dishes, disposable plates and utensils, and much more to allow for year-round dining with family, colleagues and friends.

Out of these dinners (and lunches) have come work opportunities, speaking opportunities, ideas for community service and other collaborations, etc.

Our safety protocols are strict and no one has become ill.

Bring a Little Joy

Is joy a marketing tool? Absolutely. Breaking bread together, as above, has been a bonding experience. But we have also thinned our irises and shared them with others, mostly advertising the availability of the irises to our colleagues via social media. We have certainly used social media effectively to bring joy, to post useful information and to stay in touch with friends and colleagues.

We have distributed friendship bracelets made by one of our granddaughters and took (and posted) photos of folks wearing their bracelets. We advertised on social media that we had puzzles available for people to pick up. What were we going to do with the dozens of puzzles we had already done? We reached out via email to colleagues who were lonely or suffering mental health issues caused by the pandemic. We reached out to a number of people each week, simply to ask, “How are you doing?” Not only is that the right thing to do in these times, but people remember that you cared, never a bad thing.

And to cement staff unity during this time (which helps them be effective at marketing), we have had small groups of employees over for dinner outside and have a staff meeting every two weeks, exchanging shout-outs between employees to praise their colleagues, playing games and giving away cash prizes.

(continued page 12)



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Videoconferencing

Zoom has won the video conferencing war, by a lot. Not all the courts use it, but virtually everyone else does, especially clients/potential clients. 71% of lawyers are using Zoom regularly with clients and potential clients. Make sure you look good. Dress like a lawyer and be well groomed. Be careful of poor lighting. For about \$100 on Amazon, you can get a green screen, the frame, two lights and a carrying case. With a green screen, you can use a virtual background without that “wonky” look when you move your head.

It is far more effective to speak with potential clients via Zoom than by phone. Trust us.

What Clients Want

Being client-centric has become more and more important, especially as you try to attract new clients. They want alternative fee arrangement and extended payment plans. Don't forget that you can arrange to have monthly installment payments automatically paid via credit card via your engagement agreement!

They also want to see innovation. For diehards that have refused to accept credit card payments, you are now seen as a dinosaur. Ditto if you don't do immediate electronic contracts. They want their lawyer NOW. If you want your client to sign NOW, do it electronically. DocuSign is our first choice of software to do that.

They appreciate client portals and case management systems generally. They want you to protect their confidential data and more and more potential clients are asking how you protect your data. Some want to know if you have had a security assessment done.

Yes, this is all about marketing.

Don't Put All Your Eggs in One Basket!

Putting all your eggs in one basket is a mistake. Too many lawyers pay a fortune for SEO (search engine optimization) services for their website and most of that money is going down a rathole. Also true of buying Google AdWords. We have known a few attorneys who have been successful at this. Criminal attorneys, traffic violations attorneys and very specifically focused medmal attorneys come to mind.

We poured a lot of money and time down that rathole for many years and simply gave it up as having no ROI for us.

As we go on, we learn from our mistakes – and we measure everything in terms of its provable value!

Videos

A little over half of people searching the internet use Google. Nearly as many search using YouTube. More and more, people want to get their information through videos. If you are not there, you are effectively missing out on about half of your prospective clients.

Is it expensive? It can be, but it doesn't have to be. When we do videos, we find someone that a colleague has recommended and buy a heavily discounted package of videos – perhaps 15-20 at a time. Remember that a goldfish has a greater attention span than humans – so limit your videos to a maximum of two minutes.

The true secret of getting folks to watch your video is to title it with a question that people are often asking when they search. Our most profitable video (by leagues) has been “Can you recover deleted texts from a cell phone?” And

remember that YouTube is smart. It knows that “cell phone” and “smartphone” are synonymous. So are “lawyer” and “attorney.” So you don't have to worry about picking between word choices like those.

Make sure you embed the text of your script with your video for those who are deaf – and to increase the search engine optimization of your video!

The Power of Reviews and Google My Business

There are scads of attorneys who have not “claimed” their business on Google. Don't know how? Here you go:

<https://support.google.com/business/answer/2911778>

And why should you do this? Google My Business provides you with the ability to list your business location on Google Maps and local search results. You can display important information about your business, including the opening/closing times, contact details or a link to your website. And there are those invaluable five stars – it is critical that you have a four- or five-star listing. Consumers are religious about selecting attorneys or law firms based on those stars.

And of course, that same advice applies to Yelp or other review sites. In days of yore, people mostly came to lawyers because someone had given them your name as a reference. More often now, consumers will simply search online – and they are very likely to contact an attorney close to them, with the right area of practice and good reviews.

Websites

Keep your websites updated with fresh content. Old, tired sites will not serve you well. Are you fully open? Open by appointment during the pandemic? Is there a special number to call – make sure that information is front and center on your home page.

According to the ABA's 2020 Legal Tech Survey, only 57% of solo lawyers have a website. In this new normal, where folks are looking for lawyers online, it is fatal not to have a website. Even if someone gave out your name as a reference, they are likely to look you up online, and if you don't have a website, you don't look like a “real” lawyer.

Final Words

A journey of 1000 miles begins with a single step. An old adage, but true. Far too often, we see lawyers “stuck” – they know they need to change, but not how, and they are unsure of priorities. The tech part of us wants to make sure you learn new tech, but the truth is that you also need to market in a new world.

One thing we know for sure. “In the middle of difficulty lies opportunity.” A very smart man (Albert Einstein) was fond of saying that.

Sharon D. Nelson, Esq. is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com.

John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional, Certified Ethical Hacker and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com

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Articles, advertisements and notices should be received by the bar office no later than the fifteenth of the month prior to the month of publication. For current advertising rates, please call the number listed above. Please direct all correspondence to the above address.

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January 2021

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