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From Old Spice to the Texas Law Hawk: How Inbound Marketing, Content Leadership and Social Media Can Level the Playing Field for Solo Practitioners

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FROM OLD SPICE TO THE TEXAS LAW HAWK: HOW INBOUND MARKETING, CONTENT LEADERSHIP AND SOCIAL MEDIA CAN LEVEL THE PLAYING FIELD FOR SOLO PRACTITIONERS

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ABSTRACT

The advent of technological tools such as social media present the legal industry with the potential for both perilous liability and unparalleled rainmaking. However, the full potential of social media remains untapped in the legal field because the topic has yet to be fully integrated into a broader understanding of inbound marketing and content leadership. The current treatment of social media in the legal literature is uneven—it tends to disproportionately emphasize the potential liabilities over the benefits, and it fails to provide a thorough framework to guide its optimal use. This article aims to rectify this uneven treatment by situating social media as but a single element within an inbound marketing scheme driven by content leadership. More precisely, this article presents a hub-and-spoke model of inbound marketing in which attorneys establish themselves as content leaders (the content hub) and then create and cultivate client relationships through the spokes of social media, blogging, and search engine optimization (SEO). To support this model, this article provides a brief history of marketing along with an introduction to foundational marketing theory augmented by recent technology. Those principles are then applied to law firms through the examination of case studies in both traditional businesses and law firms. Finally, this article concludes by arguing that utilizing this model provides solo practitioners with the ability to establish a more pronounced voice for themselves, which, in effect, puts them on equal footing with larger more established firms.

I. INTRODUCTION

Technological innovations in communication and information distribution have forever changed the way businesses cultivate client relationships, and perhaps nowhere is this more pronounced than in the field of law where “referrals” have long been the mainstay. Consider for a moment that in 2012, approximately 76% of consumers who sought the help of an attorney searched for their attorney online.² Consider further that from 2005 to 2014, the number of individuals who source their attorneys from the Internet has [risen] by over 30%, while those who source their attorneys from referrals have declined by 36%.³ And while Martindale Hubble and

² J. Mark Phillips & Miles T. Martindale, *How Solo Practices Can Build a Competitive Web Presence*, NASHVILLE BAR J., Feb. 2015, at 16, <http://nashvillebar.org/Publications/NBJ/Archives/2015/FEB15.pdf>. This statistic is based on a survey of 4,000 adult internet users, noting that the Pew Research Center found that 78% of the adult population uses the internet. LexisNexis, *How Today's Consumers Really Search for an Attorney*, LAWYERIST (Nov. 2012), http://cdn.lawyerist.com/lawyerist/wp-content/uploads/2012/11/How_Todays_Consumers_Really_Search_for_an_Attorney_102312.pdf

³ Phillips & Martindale, *supra* note 2, at 16. This information was drawn from a FindLaw survey conducted using a demographically balanced survey of 1,000 American adults that has a margin of error of plus-or-minus 3%. See FindLaw, *How do Clients Find Your Firm? Survey Says...the Internet*, LAW. MARKETING (Apr. 18, 2014), <http://www.lawyermarketing.com/blog/how-do-clients-find-you-survey->

State Bar Associations may seem likely sources for individuals to find attorneys, Yelp⁴ is, in fact, the number one destination for those seeking attorneys.⁵

These trends point to a vastly different picture of rainmaking and client interaction than several years ago, and to a limited degree, have begun receiving measured attention in the literature.⁶ Academic journals, legal periodicals, and respected practice guides on legal practice have all begun paying closer attention to electronic mediums such as blogs, electronic messaging, and social media sites.⁷ Yet, a closer look at the existing picture reveals two apparent weaknesses in the current state of integration of digital marketing and legal practice.

First, much of the current literature reads as a cautionary tale of the potential dangers that lawyers face by interacting with others such as clients, judges, and jurors through social media.⁸ One thread of thought warns of the liability that may attach to active social media users—cautioning readers as to the creation of the attorney-client relationship and the boundaries of what constitutes legal advice.⁹ Another line of research explicates the pitfalls of social media postings as discoverable evidence in litigation proceedings.¹⁰ Warnings such as these are undoubtedly helpful, and they certainly help establish practical boundaries for risk averse attorneys seeking to expand their online presence. Yet, approximately 23% of attorneys now use social media (a 4% increase over the prior year),¹¹ and this growth may warrant a more balanced treatment of social media's enormous potential alongside its pitfalls.

Secondly, and perhaps correlated to the above point, the current literature falls

sayson-the-internet; see also *Internet Is Now the Most Popular Way to Find and Research a Lawyer, Says FindLaw Survey*, THOMSON REUTERS (Apr. 17, 2014), <http://thomsonreuters.com/press-releases/042014/internet-lawyer-search-survey>.

⁴ Yelp is a crowdsourced review site, perhaps most commonly used for restaurant and small business reviews.

⁵ Phillips & Martindale, *supra* note 2, at 16. This information was taken from a survey of a random sample of adults in the United States: 385 unique responses to each of nine questions were collected, for a total of 3,465 respondents. Chantelle Wallace, *Software Advice IndustryView: How Clients Use Online Legal Reviews*, SOFTWARE ADVICE (2014), <http://www.softwareadvice.com/legal/industryview/how-clients-use-legal-reviews-2014/>.

⁶ See J. Mark Phillips, *Entrepreneurial Esquires in The New Economy: Why All Attorneys Should Learn About Entrepreneurship in Law School*, 8 J. BUS. ENTREPRENEURSHIP & L. 59 (2014) (noting recent trends in the legal profession and calling for broader understanding and integration of entrepreneurial education in the legal field).

⁷ See Robert Keeling et al., *Neither Friend Nor Follower: Ethical Boundaries on the Lawyer's Use of Social Media*, 24 CORNELL J.L. & PUB. POL'Y 145, 146–47 (2014); see also EDWARD POLL, *Using Social Media to Market Yourself*, in ATTORNEY AND LAW FIRM GUIDE TO THE BUSINESS OF LAW: PLANNING AND OPERATING FOR SURVIVAL AND GROWTH 85–92 (3d ed. 2014).

⁸ Jasmine V. Johnson, *Completing the Map: The Next Step in Guiding the Ethical Use of Social Media by Legal Professionals*, 28 GEO. J. LEGAL ETHICS 597, 601–04 (2015).

⁹ *Id.*; see also Michael E. Lackey, Jr. & Joseph P. Minta, *Lawyers and Social Media: The Legal Ethics of Tweeting, Facebook and Blogging*, 28 TOURO L. REV. 149, 156–57 (2012).

¹⁰ Johnson, *supra* note 8, at 604–07; see also Keeling et al., *supra* note 7, at 158–60.

¹¹ ALLISON C. SHIELDS, *Blogging & Social Media*, in ABA TECHREPORT 2014 (Britt Lorish & Erik Mazzone eds., 2014), <http://www.americanbar.org/publications/techreport/2014/blogging-and-social-media.html>.

short of providing a prescriptive, integrated marketing framework by which attorneys can harness tools such as social media to draw in and cultivate clients. In short, recent work suggests that lawyers develop an online presence and become familiar with social media, but they provide limited guidance as to how to do so.¹²

This article aims to rectify these weaknesses by drawing upon both well-established and cutting-edge marketing principles to provide a framework within which the various elements of social media and other electronic communications may be orchestrated to the greatest effect in the legal arena. In particular, it provides a model of marketing communications that conceives of content leadership as a hub of expertise that attracts potential clients from many sources (of which social media is but one), and then demonstrates how this model may be usefully applied in the legal environment. In doing so, particular attention will be paid to how small firms and solo practitioners may utilize this model to level the playing field.

The article will begin by providing a foundational primer on marketing strategy and tactics that focus on digital inbound (as opposed to traditional outbound) marketing techniques. It next discusses the development of content leadership—the creation and curation of content that is of interest to potential clients. It then examines how such content may be promoted in an organic fashion through a coordinated strategy involving search engine optimization (SEO) and social media. Finally, it illustrates, through the use of case studies, how both traditional businesses and law firms optimize their marketing efforts by employing inbound marketing techniques designed to more efficiently and effectively attract new prospects while providing value to existing consumers.

II. THE EVOLUTION OF MARKETING IN A DIGITAL AGE

The advent of the Internet carved new dimension into the engine of commerce, and perhaps most importantly it forged a new platform for interactive communication and content dissemination. Without question, the Internet has become a new frontier for personal and professional connection, as well as for information access. Furthermore, smart phones have changed the immediacy of this access forever, changing the behavior and expectations of users in every industry and every walk of life. In short, the Internet has evolved from its original incarnation (that of a static repository of information) into a functional interface that is interactional in every way imaginable.

The aforementioned evolution of the Internet has been dubbed “Web 2.0,” and it represents a wholesale movement toward becoming an interactive, two-way

¹² See POLL, *supra* note 7 (containing a short chapter devoted to indicating the importance of social media and some limited guidance on its use, but the element of implementation and full integration is relatively scant); see also Phillips & Martindale, *supra* note 2, at 16–17 (containing a brief guide for competitive web presence, but discussing only brief suggestions regarding SEO).

vehicle for networked sociality.¹³ No longer does information merely flow in one direction from companies or governments down to the rest of society, but now each member of society has the opportunity to participate in the creation and dissemination of this knowledge. This is what has become known as the horizontal revolution, characterized by the symbiotic and sometimes interchangeable relationship between users and providers.¹⁴

One fundamental aspect of this revolution has emerged in the form of social media. The most common definition for social media includes tools that allow people to create and share user-generated content in the form of information, interests, ideas, pictures, videos, etc. in virtual communities and networks.¹⁵ This expansive definition hints at the relative importance of social media as well as its current, nearly ubiquitous presence in businesses of every ilk.

Yet the laser-like focus of businesses upon social media tends to overlook the broader context in which social media rests—namely, as but one element of an integrated inbound marketing strategy which should also include content leadership (through blogs, white papers, videos and other means) and search engine optimization.¹⁶ As will be demonstrated, content leadership forms a hub around which interactive pathways of communication between current and potential customers may be formed.

The following sections will discuss content leadership, social media and SEO as core elements of a broader concept known as inbound marketing. The discussion will begin with a short primer on the discipline and history of marketing, which has evolved from possessing more of a traditional “outbound” focus to, now, a stronger, increasingly digital, “inbound” focus. The various elements that comprise inbound marketing will then be explored in order to establish a foundation for business and legal case studies that exemplify the value and power of these inbound marketing techniques in the legal field. Special attention will be given to the application to solo and small firm legal practitioners.

A. A Marketing Primer

According to the American Marketing Association (AMA), marketing is defined as “the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large.”¹⁷ The concept of value serves as the

¹³ See MANUEL CASTELLS ET AL., *MOBILE COMMUNICATION AND SOCIETY: A GLOBAL PERSPECTIVE* (2006).

¹⁴ See TRACY L. TUTEN & MICHAEL R. SOLOMON, *SOCIAL MEDIA MARKETING* (2d ed. 2015).

¹⁵ See Andreas M. Kaplan & Michael Haenlein, *Users of the World, Unite! The Challenges and Opportunities of Social Media*, 53 *BUS. HORIZONS* 59, 61 (2010).

¹⁶ Each of these topics will be discussed further in the sections that follow.

¹⁷ See *Definition of Marketing*, AM. MARKETING ASS’N (July 2013), <https://www.ama.org/AboutAMA/Pages/Definition-of-Marketing.aspx>.

cornerstone to this definition. Value is typically conceived as the ratio of the benefits of acquiring a certain product or service to the costs of that acquisition, which include, but are not limited to, price. Value itself is subjective and is a function of the perception of the target audience, or those “customers, clients, partners, and society at large” outlined in AMA’s definition. Finally, the tasks of “creating, communicating, delivering, and exchanging” refer to the tactical tool kit marketers use to shape those value perceptions—a tool kit more commonly known as the marketing mix or Four P’s: product, place (or distribution), price and promotion.¹⁸ Each of these elements of the marketing mix is briefly described below.

Product refers to the good, service, or idea that a business is selling.¹⁹ Product strategy therefore revolves around product design, package design, branding elements, product lifecycle, etc. *Placement* refers to the location where the product is being sold. Also known as distribution, placement strategy involves the logistics of transporting the product, along with any warehousing, inventory control processes, order processing, and selection of marketing channels through which the product will be sold.²⁰ *Pricing* refers to the process of setting a competitive, justifiable, but profitable price for a product.²¹ This element is a critical component of the value equation mentioned above. Finally, *promotion* refers to the communications link between buyer and seller.²² Marketing communications take the form of advertising, sales promotions, personal selling, and public relations, collectively referred to as the promotional mix. Companies use these communication tactics to signal the value of their differentiated features and benefits. This element of the marketing mix helps shape the target audience’s perception of the product or service. Together, the “Four Ps” serve as the visible manifestation of the marketing process—a process that is typically much more difficult than most business owners expect. While marketing perhaps began as an art, it has long since evolved into more of a science, and that scientific field has developed over several distinct eras.²³

B. Historical Antecedents to the Current State of Marketing

Prior to the 1920s, the Production Era dominated the business landscape. Henry Ford once famously remarked, “The [customer] can have any color he wants so long as it is black.”²⁴ This statement illustrates why Ford stands as a prime example of the Production Era: he differentiated himself by mass-producing the

¹⁸ See WILLIAM M. PRIDE & O.C. FERRELL, *MARKETING* (2016).

¹⁹ See LOUIS E. BOONE & DAVID L. KURTZ, *CONTEMPORARY MARKETING* 9 (17th ed. 2016).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ See *id.*

²⁴ *Id.*

Model T with unified quality and a relatively low price. Without competition in the marketplace, the standardized Model T remained popular and sold well. However, as new models offering customers a growing array of features and benefits entered the marketplace, Ford's production-centric model lost favor and the Sales Era emerged.

In this era of increased competition, aggressive sales and persuasion techniques were needed to convince customers to buy from one company versus another. This heavy-handed sales approach was exacerbated by the fact that companies remained focused on creating the offerings they wanted to sell rather than selling the offerings that customers wanted. However, once companies realized that by listening to the thoughts and feelings of consumers before they went into production, the offerings would more easily sell themselves, the Marketing Era of the 1950s was born. Marketing research changed the focus of businesses from a "make and sell" philosophy to a "sense and respond" philosophy.²⁵ Now companies could find a need in the consumer marketplace and fill it. As Peter Drucker, the Grandfather of Modern Marketing, stated, "Marketing is not only much broader than selling, it is not a specialized activity at all. It encompasses the entire business."²⁶ He was also of the opinion that "[t]he aim of marketing is to make selling superfluous."²⁷ With this ideal in mind, marketing research changed the landscape of the activity of marketing forever.

However, by the 1990s the economy moved from a seller's market into a buyer's market.²⁸ Competition became extremely fierce, and the customer orientation of the previous era developed into a new Relationship Era.²⁹ During this time, businesses sought to create long-term, "value-added" relationships with customers and suppliers alike.³⁰ Strategic alliances across the entire marketing supply chain began to emerge in order to cut overwhelming costs required to stand out in the crowd of competition.³¹ This led to the advent of loyalty programs and the inundation of promotional programs, advertising, product placement, and strategic selling strategies.³² The customer was becoming overwhelmed and cynical.³³ The challenge for businesses was determining how to make their marketing messages authentic and personal.³⁴ Enter the advent of the Internet, Web 2.0, and social media.

As the Internet changed from simply a source of downloadable information to the social platform known today, marketers were increasingly able to communicate

²⁵ See PHILIP T. KOTLER & GARY ARMSTRONG, PRINCIPLES OF MARKETING (15th ed. 2014).

²⁶ PETER F. DRUCKER, THE PRACTICE OF MANAGEMENT 38–39 (1954).

²⁷ PETER F. DRUCKER, MANAGEMENT: TASKS, RESPONSIBILITIES, PRACTICES 64 (1973).

²⁸ See BOONE & KURTZ, *supra* note 19, at 11.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

and connect with consumers on a one-to-one level. In this Social Era of marketing, businesses are now able to utilize social media platforms such as Facebook, YouTube, Twitter, LinkedIn, Pinterest, Google+, and Instagram to craft relatively inexpensive (i.e., “organic”) but authentic and highly relevant messages that engage consumers at the crux of their decision process. These messages can address any of the Four Ps, informing consumers about new product developments, new locations to purchase, price decreases, or dates of in-store promotions in a succinct and timely manner. However, before delving deeper into these digital marketing communication techniques and their applicability to the solo law practice, consider the methods companies and law firms alike have traditionally used to communicate with current and prospective customers.

C. Shifting Emphasis from Outbound to Inbound Marketing Techniques

As customers’ expectations have evolved with the times, so too have the tactics marketers use to reach them. Although traditional communication channels such as television, radio, print, and billboards are still used, particularly by larger firms, to reach a mass audience, this “outbound” approach is being increasingly supplemented (and, in some cases, replaced) with a stronger focus on “inbound” communication techniques.³⁵ *Outbound marketing* is the practice of sending out marketing messages to as many people as possible through advertising, direct mail, cold calling, and other communication techniques that disrupt consumers in their daily lives.³⁶ This disruption, also known as push marketing, is the process by which marketers push their message through various communication channels in the hopes that the message will make it to the right person.³⁷ This promotional model can be quite costly, as exemplified by the fact that most outbound marketing dollars are spent on *paid media*, which refers to the time or space on an existing media channel that a company must purchase.³⁸ Paid media, such as those traditional channels mentioned earlier, as well as internet display and video ads and paid search (e.g., Google AdWords), are most typically used for advertising purposes, but paid media may be employed in the service of product placements, sponsorships, etc.

However, as marketers have become savvier about leveraging the Internet, not only as a tool for information dissemination but also as a means for two-way communication, owned and earned media have become increasingly important components of the promotional mix. *Owned media* are communication channels that

³⁵ See Jolynn Oblak, *Inbound vs. Outbound Marketing*, DUCT TAPE MARKETING, <http://www.ducttapemarketing.com/blog/inbound-vs-outbound-marketing/>; see also Rick Burnes, *Inbound Marketing & The Next Phase of Marketing on The Web*, HUBSPOT: MARKETING BLOG (Nov. 18, 2008, 10:01 AM), <http://blog.hubspot.com/blog/tabid/6307/bid/4416/Inbound-Marketing-the-Next-Phase-of-Marketing-on-the-Web.aspx>.

³⁶ *Id.*

³⁷ See Oblak, *supra* note 35.

³⁸ See ASHLEE HUMPHREYS, *SOCIAL MEDIA: ENDURING PRINCIPLES* (2016).

a company owns and controls entirely.³⁹ Corporate websites, emails and sponsored virtual communities, as well as more traditional outlets such as direct mail and promotional fliers, are all examples of owned media. *Earned media*, in contrast, are communications that are neither paid nor owned, but rather, generated and circulated by an outside party at no direct cost to the company.⁴⁰ As with paid and owned media, this more “organic” media type can take both digital and traditional forms, ranging from social media mentions (e.g., likes, tweets, pins) and blog posts to old-fashioned publicity and word-of-mouth recommendations. The advent of the internet and its social evolution has allowed owned and earned media to flourish, and companies are now able to communicate with current and prospective customers more efficiently and effectively than ever before. No longer are businesses confined to paid media to promote their offerings; rather, they can now create, control and influence owned and earned media, leading to tremendous cost efficiencies and the ability for businesses and consumers alike to engage in a two-way dialogue.

This shifting focus from paid media to owned and earned media has led to the increasing adoption of inbound marketing techniques. *Inbound marketing* is the practice of promoting an offering by creating and curating “helpful content to attract [customers] and get them to engage of their own volition.”⁴¹ That is, in contrast to a traditional outbound focus on finding customers, the aim of inbound marketing is to “be found” by people already learning about and shopping in one’s industry.⁴² There are several advantages to this inbound approach. First, the company’s communications are better targeted. No longer are messages being pushed to potentially uninterested parties, but, rather, prospects “self-qualify” by demonstrating an interest in the content distributed through the company’s owned media channels.⁴³ Second, current and prospective customers are more engaged. Many owned and earned media channels provide the opportunity for two-way (or more) dialogue, whereby existing and prospective customers become more invested in the marketing message. Further, this engagement provides exceptional word-of-mouth marketing opportunities, whereby customers share the company’s content with others in their social circle, who are likely to be more receptive than if they encountered the same content through a paid advertisement. Finally, and perhaps most importantly for the small law practitioner, inbound marketing offers tremendous cost efficiencies, particularly with regard to lead generation.⁴⁴ The average cost per lead for companies with one to twenty-five employees is estimated to be \$37 for inbound marketing versus \$102 for outbound marketing, whereas comparable costs for companies with one to two-hundred employees are about \$70

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See HubSpot’s 7th Annual Report on Inbound Marketing and Selling, STATE OF INBOUND, <http://www.stateofinbound.com> (last visited Mar. 14, 2016).

⁴² See Burnes, *supra* note 35.

⁴³ *Id.*

⁴⁴ See HubSpot’s 7th Annual Report on Inbound Marketing and Selling, *supra* note 41.

versus \$220, respectively.⁴⁵ Given these advantages, it is no wonder that marketers are increasingly showing preference for an inbound marketing approach.⁴⁶

The question then becomes how a firm that has traditionally relied upon outbound marketing techniques, such as paid advertising to find customers, might instead “get found” using more efficient and effective inbound techniques. To begin to address this issue, it is important to understand that inbound marketing operates through a hub-and-spoke model. In this model, the content a business creates through its owned media sources serves as a “hub” of expertise that attracts potential customers from many sources, or “spokes.” Primary among these spokes are SEO and earned media, such as social media, which provide links from the customer back to the company’s content. To provide a deeper understanding of this hub-and-spoke model, we will discuss content leadership, SEO and social media in more detail, with special emphasis placed on the roles of content leadership and social media.

D. Content Leadership: Creation and Curation

Content leadership is the practice of becoming an expert in one’s domain as exemplified by the valuable content that a company not only creates, but curates. The creation of content through vehicles such as white papers and blog posts warrants little explanation. By contrast, content curation has emerged as a vital yet commonly misunderstood skill. *Content curation* refers to the process by which an individual assembled, selects, categorizes, comments, and presents the most relevant, highest quality information to meet the audience’s needs on a specific subject.⁴⁷ As marketing experts highlight, content curation is not merely the process of aggregating other people’s thoughts on a subject, nor is it the creation of completely new content, but rather a blend of the two functions.⁴⁸ It is a process by which one gathers the information that is currently present in the marketplace and then adds new additional value to move the conversation forward. In this manner, as a company influences the direction of the dialogue, with time and repeated impact, that company becomes recognized by their audience and surrounding community as a content leader.

Most created and curated content takes the form of blog posts or white papers, which are commonly housed on a corporate website. However, the content hub of a company’s inbound marketing efforts can take many forms, including videos, webinars, innovative research, expert interviews, community news, testimonials, follower responses, and even comedy. The key to success in the arena of content leadership is consistency across four key areas: (1) the editorial calendar, (2) calls-

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ See Heidi Cohen, *How to Curate Content Like A Pro: 8 Lessons (Examples Included)*, CONTENT MARKETING INST. (Dec. 8, 2014), <http://contentmarketinginstitute.com/2014/12/how-to-curate-content/>.

⁴⁸ *Id.*

to-action, (3) SEO and (4) social media.⁴⁹ All four of these areas function in an iterative cycle, constantly building upon each other to a successful crescendo. We will address the first three of these areas in brief, followed by a more detailed discussion of the role of social media in attracting potential customers to the content hub.

First, a content leader must be consistent in setting an editorial calendar. The sheer volume of online content has increased dramatically over the last decade, resulting in more options to choose from than ever before. Hence, content leaders have shifted their focus from creating and curating a large volume of content to prioritizing the quality of that content—original, thoughtful content is most effective. That is not to suggest that the frequency with what that content is updated is unimportant—the rule of thumb for a blogger, for instance, is to post at least once every week or two—but the content must be valuable. Next, every source of content should be consistent in its call-to-action, which should revolve around the content being shared. For example, if a company is blogging about a sales technique, then a reasonable call-to-action could be to ask the reader to register for a seminar on learning that technique. The goal of inbound marketing is to not only attract visitors, but to keep them engaged further down the funnel—turning visitors into readers, readers into customers, and customers into advocates for the company’s product or service.⁵⁰

Once a company has created and curated valuable content with relevant calls-to-action, the focus shifts to attracting interested parties to that content. A key way to accomplish this is by taking steps to ensure that one’s own content appears high in internet searches for related topics. SEO, the process of organically recruiting traffic to one’s website, blog, or other content sources using free (i.e., unpaid) search results on popular search engines like Google, Yahoo, or Bing, is often used for this purpose. Having original, engaging content that is updated frequently (as addressed in the editorial calendar discussion) increases the likelihood that that content will appear high in an internet search. However, high organic search results also depend on the use of relevant and strategic keywords on one’s website, including words that appear in the page title, page description (meta tags), website or blog copy, etc. (Many tools exist to aid in identifying useful words, but one of the most popular is Google’s Keyword Research Tool.) Finally, having connected content is also important; creating links to other websites and soliciting links from other websites are both useful in this regard. These and other variables, such as the content provider’s reputation, are used in the algorithms of search engines such as Google to create a listing of the most useful sites for any given search, so optimizing use of these variables aids in the inbound goal of “getting found.”

⁴⁹ See *100 Inbound Marketing Content Ideas*, HUBSPOT, <http://cdn2.hubspot.net/hub/53/file-13193213-pdf/docs/100-inbound-marketing-content-ideas.pdf>.

⁵⁰ *Id.*

The final key to successful content leadership is the consistent use of social media to drive traffic back to your content hub. We address this important aspect of inbound marketing's hub-and-spoke model in more depth next.

E. Social Media: Driving Traffic to the Content

From an inbound marketing perspective, social media performs four key functions: improving SEO, facilitating the sharing of owned media content, enabling the creation of earned media content, and providing a forum for dialogue, leading to increased customer engagement. The first two of these are particularly noteworthy for their ability to drive highly-qualified prospects back to the content hub the company has so thoughtfully created and curated. As we previously mentioned, having connected content is an important variable in SEO; accordingly, search engines include social media mentions such as likes, tweets, pins and hashtags in their algorithms. Therefore, the more a company's content is socially shared, the higher it will rank organically in an online search, enabling prospective customers to more easily find the company at the precise point in the decision process when they need it. In addition to improving SEO, the social sharing of a company's content places it before the eyes of like-minded others—friends, family, acquaintances and coworkers who may also be in the market for the company's offerings. Further, content that is socially shared is considered more relevant and trustworthy than the same content encountered through paid media channels, increasing prospective customers' receptivity to the information.

Finally, it is important to note that although certain sites such as Facebook, YouTube, Twitter, LinkedIn, Pinterest and Instagram have established themselves as mainstays, the social media landscape evolves almost daily. Further, astute marketers must also recognize that each social media platform is designed to interact differently with its audience, and thus, must be harnessed in different ways. For instance, whereas Facebook enhances the personal side of life, connecting friends and family with varying degrees of intimacy, Twitter engages the immediacy of the moment, identifying the most current trends and happenings around the world. YouTube, LinkedIn, Pinterest and Instagram all cater to their audiences in strategic ways as well, differentiating themselves from other social media platforms. This differentiation is what drives success at the platform level, with each engaging their audience in particular ways.

Therefore, the key to successful social media marketing strategy is understanding each platform's unique audience and strengths and finding ways to capitalize on each one individually. However, this expertise is difficult to achieve, both from a time and content perspective. For instance, consider the fact that today's digital natives perceive a lack of sincerity when they see identical posts across multiple social media platforms. Therefore, to reach one's target audience in a genuine way, the content and tone of social media posts must be customized to each platform. Without this customization, the marketing message will be perceived as

merely another advertisement, lost in cyberspace, failing to connect with the social contingent on an intimate level. Hence, the marketing principles discussed earlier still hold: the success of inbound as well as outbound techniques hinges on addressing the wants and needs of the target audience. In this new media landscape, marketers must understand the expectations on each social media platform and play into those expectations correctly. This does not mean that to effectively drive prospective customers to the content hub, companies must use every social media platform at their disposal. It does, however, necessitate that companies identify the most important platforms for their intended audiences and demonstrate proficiency in their use.

III. INBOUND MARKETING BUSINESS CASES AND THEIR LEGAL ANALOGS

A. *Old Spice*

To illustrate the power of digital inbound marketing techniques versus more traditional modes of promotional outreach, let us examine four firms that have employed such techniques with great success. Our first case comes from a brand that has received widespread recognition among marketers and consumers alike for their wildly creative, delightfully sharable and unprecedentedly successful marketing efforts—Old Spice.⁵¹ Founded in 1938 and acquired by Procter & Gamble (P&G) in 1990, Old Spice is a consumer packaged goods brand offering an array of male grooming products. Historically, Old Spice had been positioned as a mature man's brand, employing nautical imagery and promising masculine sex appeal. To reach this classic male target, Old Spice had relied on traditional outbound promotional methods such as television and print advertising. Although this brand image and promotional mix had served Old Spice well for many years, by 2010 the brand had become stale as its core customers aged and younger, edgier brands such as Axe entered the competitive landscape.

To reinvigorate the brand, P&G hired the advertising agency Wieden + Kennedy, who came up with the (at that time) relatively unique strategy of engaging consumers on a more personal level. A social media platform was perfect for the task; it allowed for greater interaction with customers while enabling them to more easily share the creative content with others. What resulted from this creative marriage was the now legendary “Smell Like a Man, Man” campaign, starring former NFL player Isaiah Mustafa as the “Old Spice Guy.”⁵² The first television spot aired just prior to the 2010 Super Bowl and quickly went viral on YouTube, garnering

⁵¹ See Adam J. Mills, *Virality In Social Media: The SPIN Framework*, 12 J. PUB. AFF. 162, 162–69 (2012).

⁵² Mike Norton, *Latest Innovations: The “Smell Like A Man, Man” Campaign*, P&G INNOVATIONS, https://www.pg.com/en_US/downloads/innovation/factsheet_OldSpice.pdf (last visited Mar. 14, 2016).

more than 16 million views in a five-month period.⁵³ To capitalize on the success of the first ad, Old Spice launched a second, “Questions,” in June, this time directly to YouTube. The triumphant finale of the campaign was “Old Spice Responses,” a series of nearly 200 personalized videos⁵⁴ in which the Old Spice Guy hilariously responded in real time to consumer and celebrity questions posted to social media platforms such as Twitter, Facebook, Reddit, YouTube, Yahoo! Answers and blogs.⁵⁵ These videos, created and posted to YouTube over a 48-hour period,⁵⁶ circulated even more quickly than the previous campaign installments. In fact, the number of views in the first 24 hours exceeded that of President Obama’s 2008 election-night acceptance speech⁵⁷ and surpassed 40 million views in just three days.⁵⁸

In sum, although Old Spice’s unique brand of humor hooked consumers, it was the social media to which the entertaining campaign was posted that enabled it to go viral, resulting in the fastest-growing and most popular interactive campaign in history.⁵⁹ In fact, six years after the campaign first launched, Old Spice remains the number one brand channel on YouTube with nearly 105 million views; further, the campaign has earned more than one billion unpaid (earned) media impressions to date, including features on national and international media outlets.⁶⁰ As for sales, according to Nielsen (and confirmed by P&G), sales for the body wash line touted in the campaign rose 107% in July 2010 alone (the month the response videos were posted).⁶¹ Further, the YouTube campaign drove viewers to Old Spice’s other digital communication platforms, with the brand’s Twitter following, Facebook interactions, and website traffic growing by 2,700%, 800%, and 300%, respectively.⁶² Collectively, these results powerfully illustrate how digital inbound marketing techniques can reinvigorate and grow a firm, with the viral nature of Old Spice’s content and the digital media through which it was deployed, leading customers to seek out the brand rather than the other way around.

⁵³ See Mills, *supra* note 51.

⁵⁴ See Norton, *supra* note 52.

⁵⁵ Jordan Stone, *Old Spice Videos Viewed 11 Million Times*, WE ARE SOCIAL (Jul. 30, 2010), <http://wearesocial.net/blog/2010/07/spice-videos-viewed-11-million-times>; Robin Grant, *Weidon + Kennedy’s Old Spice Study*, WE ARE SOCIAL (Aug. 10, 2010), <http://wearesocial.com/uk/blog/2010/08/wieden-kennedys-spice-case-study>.

⁵⁶ See Norton, *supra* note 52.

⁵⁷ Brian Stelter, *38 Million View Obama’s Speech; Highest-Rated Convention in History*, N.Y. TIMES: MEDIA DECODER (Aug. 29, 2008, 2:00 PM), <http://mediadecoder.blogs.nytimes.com/2008/08/29/conventions-38-million-view-obamas-speech/>.

⁵⁸ See Norton, *supra* note 52.

⁵⁹ See Grant, *supra* note 55.

⁶⁰ See Norton, *supra* note 52.

⁶¹ Noreen O’Leary & Todd Wasserman, *Old Spice Campaign Smells Like A Success Too*, ADWEEK (July 25, 2010), <http://www.adweek.com/news/advertising-branding/old-spice-campaign-smells-sales-success-too-107588>.

⁶² See Grant, *supra* note 55.

B. The Texas Law Hawk

Although the connection between men's body wash and the practice of law may seem tenuous at best, there happen to be similarities between inbound marketing approaches in these disparate fields, which may be best exemplified by the work of a single Texas attorney. Bryan Wilson, a Fort Worth-based criminal defense attorney more commonly known as the Texas Law Hawk, recently made headlines for employing similar social media tactics to recruit new clientele. In a series of self-made commercials posted exclusively to Facebook and YouTube, Wilson effectively harnessed the power of social media by producing humorous, attention-getting, sharable videos that have collectively received more than two million YouTube views to date. In fact, the social media campaign attracted so many viewers that it drew the attention of prominent news outlets such as ABC⁶³ and CNN⁶⁴. Taco Bell even featured Wilson in a 2016 Super Bowl advertisement, producing even greater exposure for the fledgling practice.⁶⁵ The result was an anti-establishment, approachable image to which Millennials relate,⁶⁶ and hundreds of prospective new clients.⁶⁷

With videos featuring the attorney doing wheelies on a dirt bike and busting through doors and windows in response to calls about breathalyzer tests and illegal searches,⁶⁸ some lawyers have criticized Wilson's tactics as casting an unfavorable light on the profession.⁶⁹ However, in an industry where name recognition is vital, Wilson's social media campaign was a clever choice: he strategically developed content that would be perceived by his primary audience—young adults experiencing their first brush with the law—as more relevant and authentic than the typical lawyer advertisement and he endeavored to reach them in a way that felt genuine. According to Wilson, he intentionally created videos that did not feel like advertisements and would be funny enough to be shared, with the dual goals of preventing his practice from ending up like others that “didn't get their names out there” and having a little fun along the way.⁷⁰

The ingenious element common to the viral video campaigns from both Old Spice and Attorney Bryan Wilson is that they resulted in greater relevance and

⁶³ See *Good Morning America: Texas Lawyer's Commercial Goes Viral* (ABC News broadcast Oct. 23, 2015), <https://www.youtube.com/watch?v=EG8pfltDzxo>.

⁶⁴ See Tristan Smith, *For Texas Lawyer, DUI and Illegal Searches Are Laughing Matters*, CNN (Dec. 12, 2015, 9:54 AM), <http://www.cnn.com/2015/12/12/us/texas-law-hawk-bryan-wilson-viral-ads/>.

⁶⁵ See Eric Oster, *Deutsch (Finally) Unveils Taco Bell 'Mystery Item' With 'Bigger Than . . .'*, ADWEEK: AGENCYSPY, (Feb. 8, 2016, 11:16 AM), <http://www.adweek.com/agencyspy/deutsch-finally-unveils-taco-bells-mystery-item-with-bigger-than/102050>.

⁶⁶ See Smith, *supra* note 64.

⁶⁷ See *Good Morning America: Texas Lawyer's Commercial Goes Viral*, *supra* note 63.

⁶⁸ The videos contained novel catch phrases such as: “Due Process? Do wheelies!” and “The Talons of Justice!,” which also produced polarizing responses.

⁶⁹ See Smith, *supra* note 64.

⁷⁰ *Id.*

resonance with their respective target audiences while keeping costs relatively low⁷¹ and capturing millions of free impressions in the process. This was accomplished in two key ways: first, developing content that was unexpected and irreverent (i.e., attention-getting), yet authentic, and second, placing this content on social media that facilitate sharing, thus enabling the campaigns to take on lives of their own. This strategy is very much in keeping with the core tenants of inbound marketing; that is, “instead of blasting out interruptive ads and trying to pull people to your company, inbound marketing uses helpful content to attract visitors and get them to engage of their own volition.”⁷²

C. Emma, Inc.

However, what if your target audience is not Millennials looking to avoid DUI convictions but, rather, a more mature clientele seeking a conservative law practice? In that case, other inbound marketing techniques may be more suitable and serve the same purpose: organically drawing prospects to your firm at a lower cost and higher conversion rate than traditional outbound methods such as paid advertising. For an example of a business that has done just that, we turn to Emma, Inc. (Emma), an email marketing agency based in Nashville, Tennessee.⁷³ Emma has successfully gained market share competing against larger firms such as MailChimp by strategically developing a competency in content leadership using blogs, webinars, case examples and conferences. In fact, the page on Emma’s website where most of these content sources are housed is titled the “Content Hub.”⁷⁴ These resources are updated frequently, providing current and prospective clients with timely information designed to improve their email marketing efforts. These frequent updates not only lure past visitors to the site with greater regularity, but also attract new visitors by improving Emma’s SEO. That is, when a prospective client searches online for tools or a firm to assist them with their email marketing, Emma is likely to appear early in the search results organically (i.e., without paying for placement) because they create useful, current content that attracts visitors to their website. As you might imagine, once a prospect sees how beneficial Emma’s free resources are, they are more likely to give their paid resources a try.

Emma’s most recent inbound marketing endeavor was to organize and host their first annual “Marketing United” conference in 2015. According to Grey Garner, Vice President of Marketing, the conference was conceived as an extension of Emma’s everyday mission to “[build] tools to help [marketers] do more and sharing

⁷¹ See Mills, *supra* note 51; see also Zach Gottlieb, *Old Spice Man Is Here ... for You*, WIRED: BUS. (July 15, 2010, 9:03 AM), <http://www.wired.com/epicenter/2010/07/old-spice-man-is-here-for-you/>.

⁷² See *HubSpot’s 7th Annual Report on Inbound Marketing and Selling*, *supra* note 41.

⁷³ EMMA, <http://myemma.com> (last visited Mar. 15, 2016).

⁷⁴ EMMA: RESOURCES, <http://myemma.com/content-hub> (last visited Mar. 15, 2016).

the best thinking we can create and curate about our industry”⁷⁵—the very definition of content leadership. The three-day conference brought together industry leaders in email automation (Emma, naturally), e-commerce, event marketing and SEO with the aim of sharing best practices that attendees could immediately apply in their businesses. The unspoken side benefit for Emma was positioning themselves as a thought leader in the inbound marketing arena in view of firms (i.e., prospective clients) with a self-selected interest in the topic.

D. Frost, Brown, Todd, LLC

Most law firms would rightly consider themselves “thought leaders” due to the exceptionally high-level intellectual work product and advice they offer their clientele. While this may be true, there is a distinction to be made between providing bespoke intellectual advice and creating widely distributed content. There is even a further distinction to be made between being a thought leader and attracting a large following with one’s thought leadership. Whereas Emma provided one example of the latter in the business domain, in the realm of law, Frost, Brown Todd, LLC (Frost Brown) provides another.

Frost Brown is a regional law firm of over 500 attorneys based in Cincinnati, OH,⁷⁶ and like many sophisticated, multi-service firms, they work with a wide variety of sophisticated clients. Frost Brown services a significant number of firms within the automotive industry, including (among others) Ford Motor Company and Toyota Motor Manufacturing. As one might imagine, the legal market for automotive services is rather competitive, and the ability to stand out among the ranks of other highly qualified law firms is essential.

With this in mind, in 2014, Frost Brown strategically endeavored to set up an annual conference, entitled “AutoConnect,” the ostensive goal of which was to bring together high-level players in the field to share their analyses, their collective expertise, and their predictions on the future trends in the marketplace. They accomplished this by inviting not only a wide array of experts in the field, but also influential members of tangentially-related areas, such as automotive finance, accounting, and automotive research and design, as well as noteworthy regional politicians. A pleasant side effect of their annual AutoConnect conference was that they positioned themselves as a hub of thought leadership in the field in which they wished to demonstrate expertise. Of note is the fact they themselves do not profess to possess the expertise as to every minute aspect of the automotive industry (nor could they plausibly do so), but rather they created a forum—in this case a physical forum—in which established experts in the field gather and contribute their

⁷⁵ Jeff Slutz, *Why We’re Hosting Marketing United*, EMMA: BLOG (Feb. 25, 2015), <http://myemma.com/blog/article/why-were-hosting-marketing-united>.

⁷⁶ Frost Brown Todd is the culmination of a merger between two firms based in Cincinnati, Ohio and Louisville, Kentucky.

collective acumen for the benefit of all.

The above distinction is important because it points to the nuanced, and in some sense bifurcated, nature of thought leadership. Recall from the above discussion that thought leadership consists of both content creation and content curation. Frost Brown provides an exceptional example of establishing themselves as a thought leader through both content creation and curation through their conferences, and then builds upon that by offering access to their in-house generated content in the form of articles and white papers on topics of interest to their current and potential clients. Frost Brown provides a strong example of thought leadership in the legal arena, and their example is valuable for not only other large law firms, but also small firms and solo practitioners looking to distinguish themselves.

The cases above provide some context for how firms with vast differences can—and do—leverage similar inbound marketing techniques to more effectively and efficiently attract new customers and clientele. As will be shown in the following section, the advantages enjoyed by these firms may be used to great effect by even the solo legal practitioner.

IV. LEVERAGING INBOUND MARKETING TECHNIQUES IN A SOLO LAW PRACTICE

With the foregoing in mind, we now confront the challenge of executing a balanced inbound/outbound marketing strategy through the various arms of social media as a solo practitioner. After all, a solo practitioner can hardly host a conference, and may struggle to find the time to independently craft white papers for general distribution. The following section provides a hypothetical yet representative example of a solo law practitioner who endeavors to utilize the concepts highlighted in this article.

Consider an attorney who endeavors to pursue solo law practice in the area of trusts and estates.⁷⁷ This practice may entail a wide variety of complex trust creation and wealth management strategies, but a core level task in such a practice area might be the preparation of wills, advance directives, medical powers of attorney, and other end-of-life planning considerations.

From a pure business perspective, the advice and services provided in this regard represent great market potential given that all individuals will ultimately face such end of life issues. However, the topic is undoubtedly somber, and in many cases individuals would prefer to avoid the issue altogether. Furthermore, a large portion of clientele in this field of law are not the individuals who require estate planning or

⁷⁷ The field of trusts and estates was chosen for illustration purposes only, and might easily have been replaced by other areas of law. As will be alluded to, many of the same activities and principles may be applied with equal effectiveness to a wide variety of practice areas, including business law and litigation. However, it is worth noting that trusts and estates may be considered one of the more staid and traditional areas of law (as opposed to intellectual property or e-commerce law, for instance), and therefore may be viewed as emblematic of the broad applicability of the concepts discussed herein to all types of law.

execution, but relatives (often younger) who face the challenge of not only understanding the legal issues involved, but also of translating those issues to loved ones during very trying times.

Although this characterization of the practice may seem daunting to many, to a savvy attorney, this dilemma presents opportunity. For instance, the attorney could position herself as a content leader on the subjects surrounding the difficulties that clients and their families face in discussing the issues surrounding estate planning. In order to do so, the attorney could create a blog on her website that contains both created and curated content. She could create content by regularly contributing her own posts that offer insights and advice⁷⁸ from her personal experience with such issues. Depending upon her time and professional network, that attorney can post blog entries discussing books on end of life care, or the art of having difficult conversations with family members.

The attorney could then supplement her original content with curated content. In this case, the attorney may supplement her posts with articles from other sites, links to complimentary websites, and perhaps even content provided by other professionals (for instance, a psychologist may have insights on how best to initiate difficult end-of-life conversations). A creative attorney might even vary the media format of the links by including video of interview with such professionals, or perhaps links to YouTube pages that offer related advice.

Once the attorney begins creating her hub of content, she would need to establish mechanisms to snare inbound traffic to her site. As discussed in prior sections, there are a variety of means at one's disposal. At a minimum, the attorney could focus upon SEO and social media. With respect to SEO, the attorney may independently (or with the assistance of an expert), optimize her site by highlighting key search terms on her site and in her content postings. The specific terms for her practice would likely vary for a number of reasons, but may include terms such as will, simple will, estate planning, trust, advance directive and will registry, among others. The attorney might further optimize her presence through links that she includes on her blog, website and social media sites. In short, if she provides links to content on sites that are popular (and therefore presumably have strong SEO), then some of that traffic may ultimately translate to traffic on her site as well.

In addition to SEO, and perhaps most importantly, the attorney would be wise to establish a presence on one or more social media sites (such as LinkedIn and Facebook, for instance). This step may be considered most critical in part due to the level of interactivity of such sites. In other words, while having excellent content and strong SEO may draw people to the attorney's business, social media is where she will likely have her strongest interaction and connection with current and potential clients.

The attorney may benefit from such interaction in two key ways. First, if a

⁷⁸ General advice, rather than legal advice, in order to avoid ethical liabilities.

visitor to the site takes the time to write and submit a response or question, then she may consider such an action an enormous return for her efforts. She now has a strong lead for a client—a client who possessed nearly limitless options but chose to contact her. Secondly, even for the visitors who visit the site but fail to respond or interact, they invariably leave behind a trail of valuable data that the attorney can then use to further hone her marketing and content management efforts.⁷⁹

The picture presented above is merely a cursory gloss of the intricacies and minutia that would likely go into creating a strong inbound marketing presence. Yet even this brief hypothetical demonstrates how a solo practitioner may utilize such tools to make their impact much larger than the typically diminutive stature of a solo practitioner, and at much less cost than just marketing via outbound techniques.

V. CONCLUSION

This article aims to clarify the current understanding of social media in the legal field by repositioning it as merely one of many vital tools necessary for an inbound marketing strategy built upon content leadership. In developing this theory, the article explored several business and legal examples, and culminated with a hypothetical example of how this approach could augment the practice of a solo legal practitioner.

It would be unrealistic to suggest that a solo practitioner would be able to compete toe-to-toe with large multi-national firms merely by creating a blog and social media presence. However, the examples discussed previously clearly demonstrate the power of establishing content leadership, whether by exhibiting expertise in the automotive industry or discussing wills and estates with seniors. The examples also demonstrate the various ways in which content leadership may be used advantageously in order to project expertise outwardly, induce client interaction inwardly, and ultimately reduce marketing costs.

The solo practitioner need not defeat big law in order to achieve a successful practice. Rather, she must firmly establish herself as an expert in her chosen field and translate that expertise to her target audience. In the past, this was done primarily through referrals, but as was demonstrated through research in this article, this no longer has to be the prevailing method.

Attorneys today must find new modes of establishing their expertise, and recent technological advances have provided attorneys with the tools to do so. But such tools must be used with a deft and learned hand—in effect utilizing the same care and intentionality that generations past devoted to personally cultivating client relationships. We present this article as a bridge linking this past intentionality with the technological innovations of the present, and in doing so we hope to both enhance

⁷⁹ As but a short example, if the attorney learned that certain topics were receiving little attention, while other content resulted in multiple clicks and responses, then she could tailor her content curation in order to hone in more precisely on her ideal clientele.

law firm practice while preserving the profession's traditional reverence toward relationship management.

