BLF

BIGGER
LAW FIRM

A magazine for attorneys
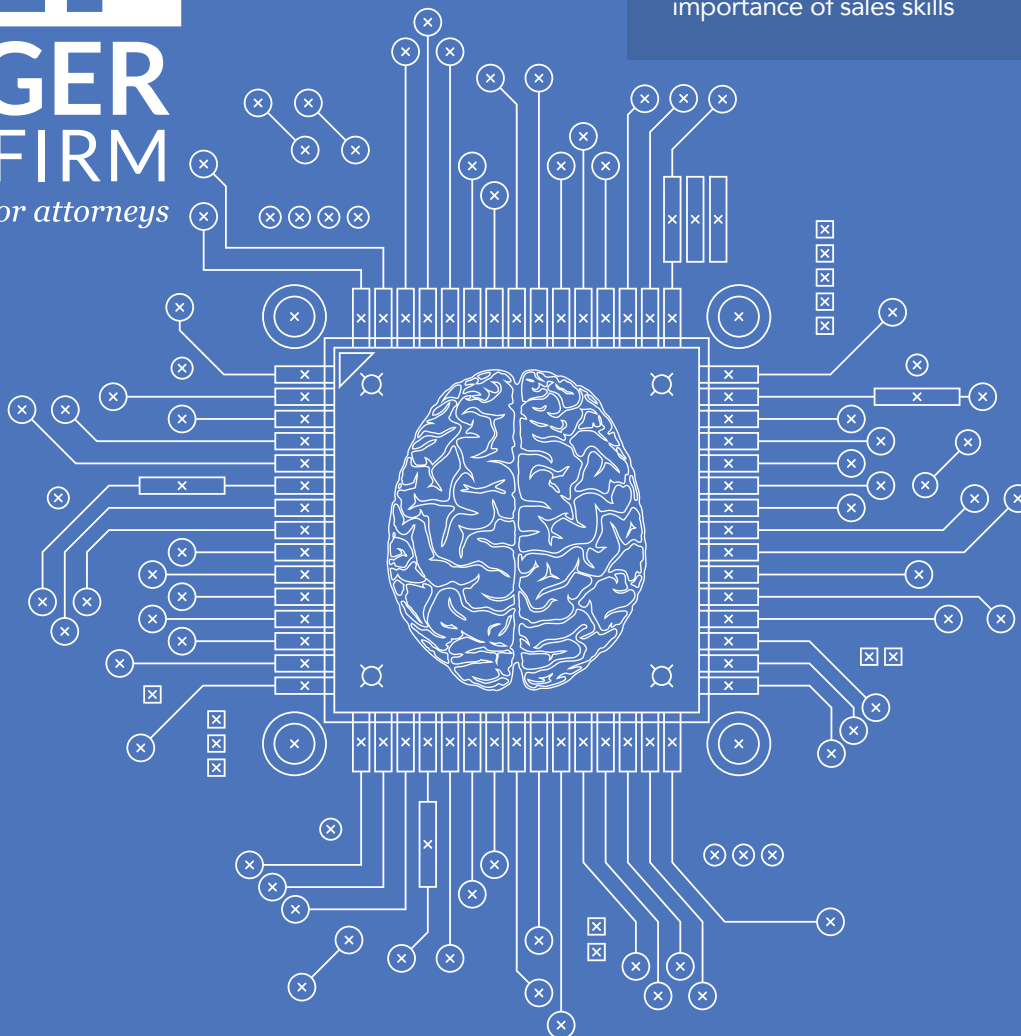
GOOGLE'S
RANKBRAIN
— and the future of —
SMART SEARCH

*RankBrain has been termed a form of artificial intelligence
or machine learning with the potential to shake up the entire
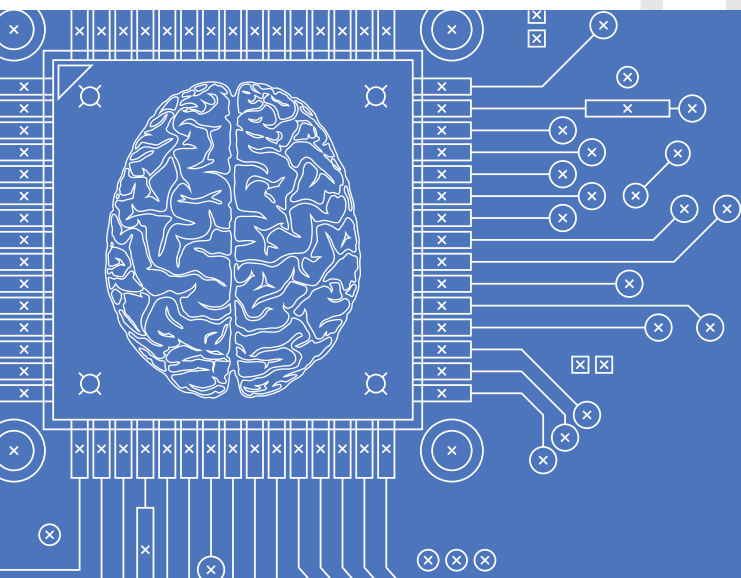search engine and SEO industries.*

November/December | Vol. 37

Google's RankBrain and the future of smart search.

In October, Bloomberg News reported on a new facet of Google's search technology called RankBrain. Google's algorithms employ hundreds of "signals" to determine each web page's rank and its relevance to a given query. The company has publicly stated that RankBrain is already the third most important signal overall.

7

SEO
OBITER DICTA

Google updated its algorithm fewer times in 2015 than it has in several years.

Google makes hundreds of changes to its algorithm each year. Some are significant enough to cause substantial fluctuations in search engine results. After several years of heavily turbulent algorithm changes, Google settled down in 2015, releasing just five significant changes. Before the end of the year, it's likely Google will push out one more, which will make 2015 its least active year since 2009, a year in which Google updated its algorithm four times.

While Google may have slowed its changes, the ones it did make were not without serious impact.

FEBRUARY 4, 2015
Unnamed

Marketing software company, Moz received reports from multiple webmasters regarding fluxes in traffic and search engine rankings. Google had released an unnamed update that primarily targeted eCommerce websites, and most law firms were unaffected. *Google has not officially confirmed this update.*

APRIL 22, 2015
Mobilegeddon

If you read any website between the winter of 2014 and the spring of 2015, you knew Mobilegeddon was coming. Google announced this update in advance to give webmasters time to make their sites mobile friendly. After the update, websites that were not mobile friendly would see considerable ranking declines for mobile searches. The update did not affect desktop searches.

While Mobilegeddon did change mobile results, the affects were not as cataclysmic as predicted. Google did, however, force webmasters to start prioritizing their mobile experience, which is becoming increasingly important.

MAY 3, 2015
Quality Update

This widespread update affected many smaller sites and websites with a lot of content that Google now deems low quality. CNBC reported that HubPages, a microblog community, saw a 22% drop in traffic to its 870,000 indexed pages after this change. Our law firm website data showed minimal impact on the legal community, with most websites recovering one to two weeks after the update.
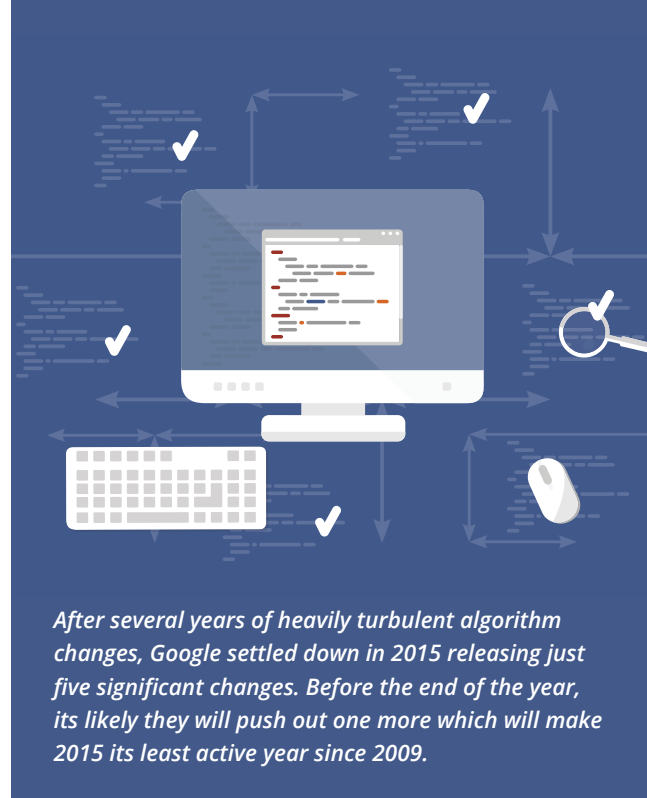
After several years of heavily turbulent algorithm changes, Google settled down in 2015 releasing just five significant changes. Before the end of the year, its likely they will push out one more which will make 2015 its least active year since 2009.

JULY 17, 2015
Panda 4.2

In July, Google rolled out its 28th Panda update. As a reminder, Google Panda deals with content quality, and Google Penguin deals with link quality. Moz reported no immediate ranking changes as the update was the start of a gradual release.

We found a significant drop in rankings on the websites we monitor a month later on August 18th. However, the majority of these rankings recovered by mid September.

OCTOBER 26, 2015
RankBrain

Originally reported by Bloomberg, RankBrain is an artificial intelligence component of Google's search algorithm. In this month's feature, "Google's RankBrain and the Future of Smart Search," Ryan Conley explains that "Google users enter some three billion queries into the search engine each day. The company says that about 15 percent of those queries are unique — no user has ever before performed exactly that search. RankBrain helps Google's computers understand these unique queries."

See how artificial intelligence is going to change search on page seven in this month's feature.

HONORABLE MENTIONS

While not officially algorithm changes, Google also made several updates to its local product.

JUNE 2015
Google My Business

As Google works towards detaching its Google+ network from other services, it launched Google My Business to help business owners manage local listings. The Google My Business platform is very similar to the pre-Google+ local product, Google Places. With improved support, it's clear that Google is making significant investments to improve its local listing product, which has in the past been plagued with glitches.

AUGUST 6, 2015
3 Pack

Custom Legal Marketing (CLM) reported in August that Google was no longer displaying a 7-Pack under the map. Instead, it started showing a 3-Pack with a "more places" option.

CLM speculated that this was an attempt to compete with providers like Yelp saying, "Google is essentially drawing your attention to service providers, then giving you a way to find more of them without scrolling below the map listings. This gives you the opportunity to explore local businesses without looking at any highly-ranked organic listings, which typically include sites like Yelp, Yellow Pages and a variety of local directories. This means that impressions and rankings for your website may appear down, but you may actually see

> Google has spent the last five years making a strong push to enforce content and link quality. Expect any changes in 2016 to be directed at content, links and user experience.

an increase in clicks from traffic that would have otherwise gone to a directory like Yelp."

ONE MORE

DECEMBER 2015
Google Penguin Real Time

Rumored to be released by the end of 2015, this update will allow Google to punish and redeem a website in real time. Currently, if your website is penalized for bad links you can correct the links, then have to wait several months for Google to run Penguin again to redeem your website. Once this update is released, you will be able to quickly address a problem and get back on Google's good side without the long wait.

Google has spent the last five years making a strong push to enforce content and link quality. Expect any changes coming in 2016 to be directed at content, links and user experience.

Major Changes to Google's Algorithm by Year (2002-2015)
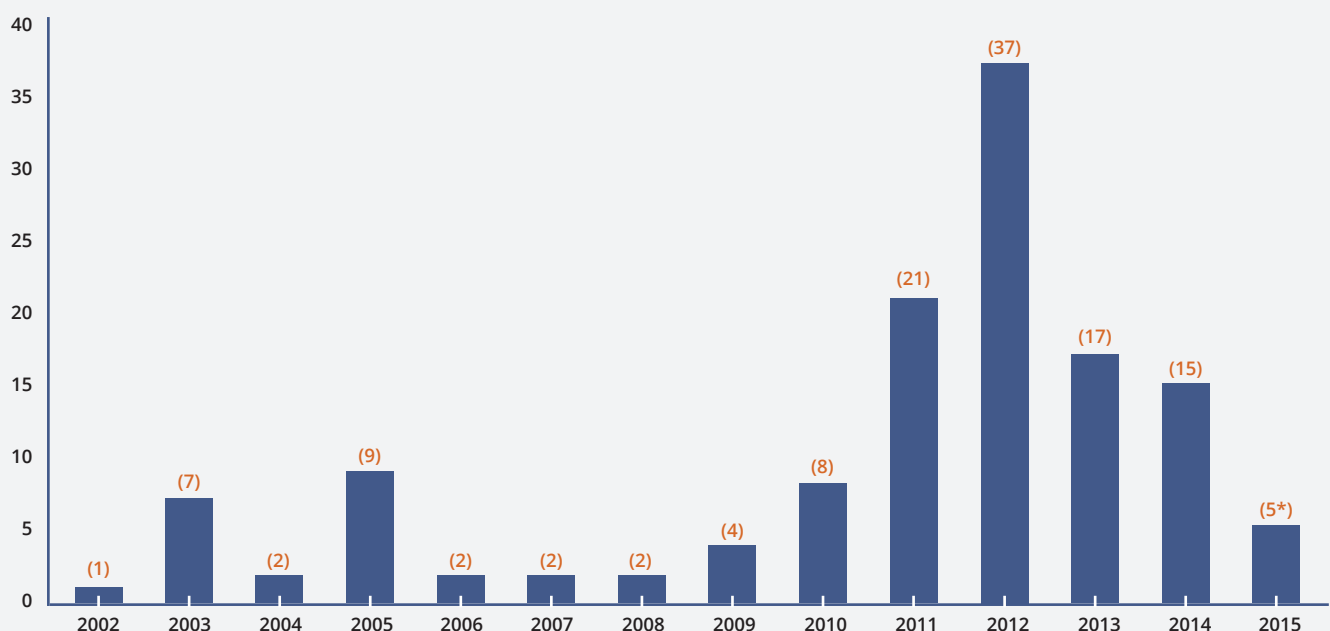
A BODY BLACK BOX?

FITBIT AND OTHER WEARABLES MAKE THEIR DEBUT IN COURT

Technology does not usually find its way into the courtroom as quickly as it catches on with the general public. But as technology advances and continues to become a growing force in day-to-day culture, it is beginning to appear more often in court as evidence.

Social media activity, such as posts on Facebook, was once eschewed by attorneys as irrelevant. As activity on the networks grew, however, posts made to social media sites began to pop up as evidence in court, and attorneys realized they could no longer ignore it. Now, a new player has entered the game: wearables. Currently, evidence garnered from wearable devices is infrequently used in courts. That is about to change with the increased popularity of such technology, which tracks and stores a variety of data about the daily activities of the wearer.

Wearable technology has been in use for many years in industries like fitness and health care. Devices allow doctors to track health data and athletes to monitor efficiency and performance. The use of gadgets like smartwatches and the Fitbit Flex began increasing among non-professional users in 2013, and by 2014, one in five American adults owned some sort of wearable device, according to the PriceWaterhouseCoopers Wearable Future Report.

The Fitbit and other new wearables monitor data like activity levels, sleep patterns, heart rate, blood pressure, diet, exercise and number of calories burned. Some devices are capable of following a user's location throughout the day using GPS technology. Even without the onboard presence of a GPS, daily vitals can easily be tracked.

Wearable technologies, paired with cloud storage, ensure that there is always an e-trail that provides information on what the wearer was doing on any given day. This can be helpful for people trying to stick to an exercise routine or decrease calorie intake. But the technology also provides a potential wealth of data for insurance companies looking to dispute a claim.

Currently, wearable data is most often used as evidence in criminal or personal injury cases. In a criminal case a defense attorney is needed to protect the accused's rights and prove his or her innocence. A personal injury lawyer goes to bat for an injured client who wishes to recover compensation for injuries. The potential for acquiring either accurate or flawed data provided by wearables remains the same in both scenarios.

In a personal injury case, there is a need to show that an individual injured in a car crash or other accident can no longer perform his or her job, or that his or her life has been changed in a significant way. Often, personal injury attorneys must prove that their client can no longer enjoy the level of activity he or she once did, indicating that the injuries seriously impact the client's life. Proving a reduction or cessation in activity after an accident can lead to the award of thousands, if not millions, of dollars in compensation.

In a criminal case, the accused must defend him or herself against charges. Defense attorneys are beginning to use the black box data generated by such devices on behalf of their clients. However, a prosecutor could also be using the same data in an attempt to prove

THE LAW HAS NOT ALWAYS KEPT UP WITH TECHNOLOGY, BUT WITH THE ADVENT OF DEVICES THAT MAY OFFER PROOF OF VARIOUS ASSERTIONS, THE LAW WILL HAVE TO EVOLVE.

the accused did commit the crime. Is the e-device data being presented by either side foolproof?

Such smart technology may not be as smart as one would like to think. Miller Leonard, Esq., a criminal defense attorney in Denver, Colorado, says that he would take steps to challenge such evidence should it be used against one of his clients in court.

"I would need to hire an expert to make sure that I understood how the tracking information was gathered," said Leonard.

"As a starting point, you cannot assume that the information is accurate, or that there are not other explanations."

A criminal defense attorney would also check to see if any propriety software is used to power the device as an effort to build a case refuting such data. If proprietary software is used, the court would be asked to

order production of the software for the expert to evaluate. "Furthermore," said Leonard, "if the device in question uses GPS — and many do — I would want to hire a GPS expert to tell me the limitations of such information." Often, the government may have one version of how technology works that may or may not be accurate, or that may not be the accepted practice within the wearables industry.

A key procedure for the defense in such cases is to hire a consulting expert to first explain how the technology works. Attorneys would then analyze factual analysis gleaned from an expert to determine how to use the information to attack the technology. The same protocol is applicable in personal injury cases. The attorney needs to thoroughly understand the technology and its limitations in order to prove a client does deserve compensation.

Currently, courts typically use doctor evaluations of victims' medical conditions as evidence in personal

injury cases. While a qualified medical opinion tends to carry weight in court, the expert medical witness may have his or her personal bias, or simply be inaccurate. Using fitness trackers to supplement experts may change the way a personal injury or a criminal defense case is assembled.

The first personal injury case using tracking data was launched by a Calgary, Alberta, law firm, McLeod Law, in 2014. In that case, a personal fitness trainer was injured in an accident in 2010. Fitbits were not on the market then, but her occupation clearly showed her to be an active, fit individual.

Enter Fitbit and the wealth of hard data it offers attorneys. The firm processed the data from the plaintiff's Fitbit to show her activity levels had dropped significantly from her usual level of activity given her profession and young age. In other words, the data provided corroborated the plaintiff's assertions that the accident affected her ability to maintain the lifestyle she once did.

Other attorneys have weighed in on the use of such data, such as James McManis and William Faulkner, based in San Jose, California, who suggest that "data generated by the plaintiff's wearable device may be discovered in litigation and, as a result, completely discredit [the] plaintiff's case for damages resulting from the accident."

For example, such use of data could apply to the case of a very fit, active plaintiff who ran every day, who was involved in a car accident and who claims the injuries sustained meant he or she can no longer run. If the wearable tracking device shows that the same plaintiff has been running

several miles daily since the date of the accident, his or her claim may be deemed false. On the other hand, if the device showed the plaintiff no longer ran after the accident, such claims could be validated.

Consider a Lancaster, Pennsylvania, rape case in which the plaintiff's Fitbit information was utilized to prove her sexual assault claims were false. The plaintiff claimed she was asleep when the defendant broke into her house, attacking her. Her Fitbit data revealed she had spent most of the evening walking around her house and was wide-awake. Police charged her with filing a false report.

> **I WOULD NEED TO HIRE AN EXPERT TO MAKE SURE THAT I UNDERSTOOD HOW THE TRACKING INFORMATION WAS GATHERED. YOU CANNOT ASSUME THAT THE INFORMATION IS ACCURATE, OR THAT THERE ARE NOT OTHER EXPLANATIONS.**

The law has not always kept up with technology, but with the advent of devices that may offer proof of various assertions, the law will have to evolve. Fitbit is the tip of the evidentiary iceberg.

With the Apple Watch now on the market, the types of evidence potentially collected has exploded to include, but not be limited to: phone calls, social media engagement, geolocation data, activity data, health information, payment history, texting history and much more. Suddenly George Orwell's Big Brother scenario is beginning to look a bit more like reality, not just a story in a book.

The wearables market offers a pool of information for users to track their

lives and for those participating in a lawsuit in need of information to support their cases or refute charges. Understandably, all technology has its limitations. A smart attorney takes the time to delve into those limitations to effectively and efficiently represent his or her client. Such information may even provide the leverage needed to win a case, or conversely, offer information that results in a loss.

Is using such personal, ostensibly private information an invasion of privacy? It is illegal? In a word: no. Data is just data — information that is being collected and stored by these devices. If this information is relevant to a case, it may not matter where the data comes from.

According to Mike Rhodes of San Francisco's Cooley LLP, "There's no intrinsic bar to admitting evidence from wearable tech devices."

The key to using wearable data to prove allegations in a case involves the authentication of all such data obtained from any wearable. The other side is that the technology can be defeated in many ways with enough persistence and suggested doubt. Knowing the positive and negative sides of wearable technology is a valuable tool in an attorney's arsenal.

- Kerrie Spencer
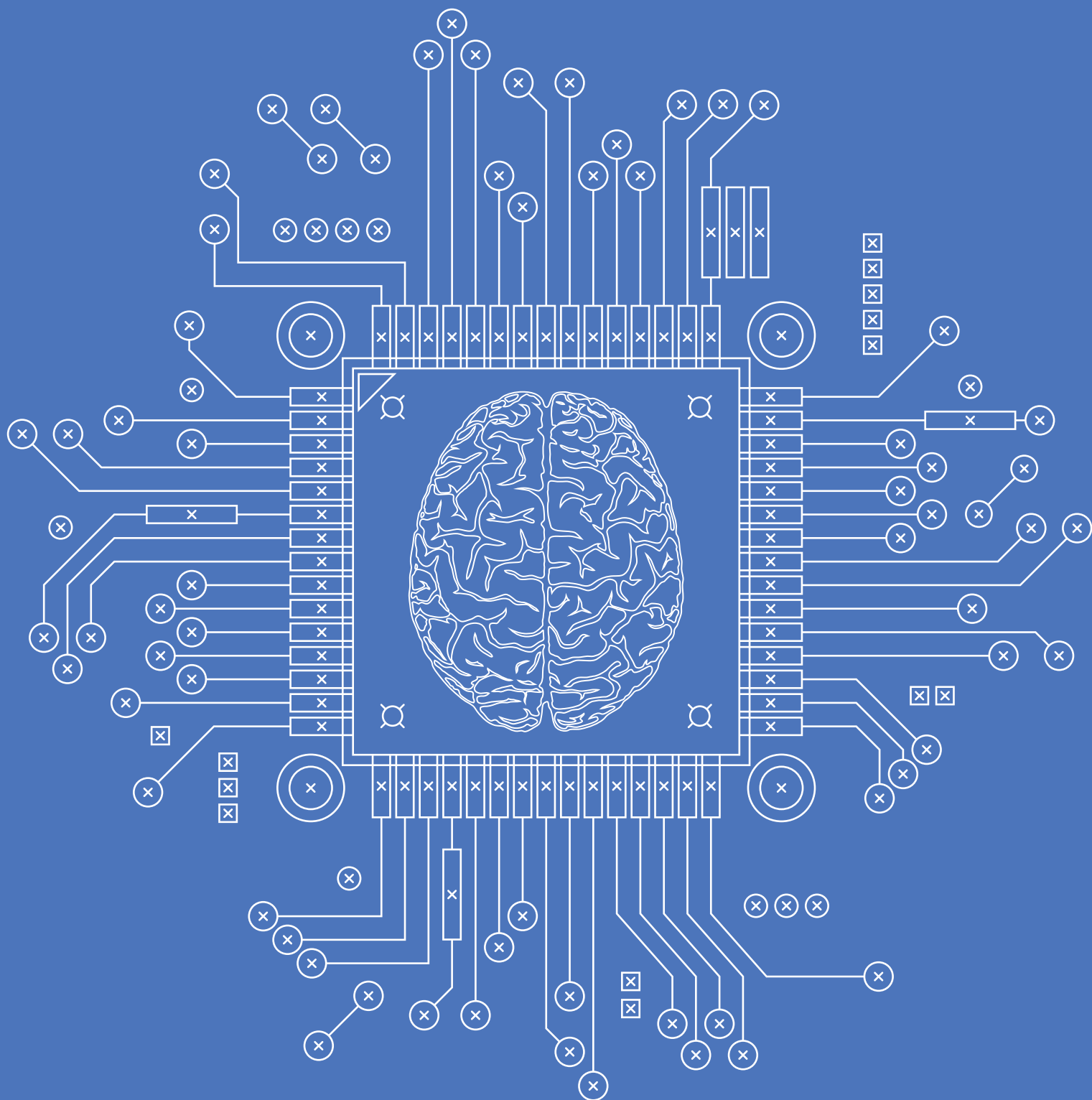
GOOGLE'S RANKBRAIN

and the future of

SMART SEARCH

In October, Bloomberg News reported on a new facet of Google's search technology called RankBrain. RankBrain has been termed a form of artificial intelligence or machine learning with the potential to shake up the entire search engine and SEO industries.

Google is being somewhat circumspect in how much it reveals about RankBrain. After all, the company's competitors are always looking for ways to emulate its success. Businesses and scientists are heavily investing money and time in machine learning and artificial intelligence. Microsoft has publicly stated for years that it is researching machine learning for use in its Bing search engine. But the details of how RankBrain works are less important than the broader implications for search engines, web designers, content creators and the entire computer industry.

Google's search engine algorithms employ hundreds of "signals" to determine each web page's rank and its relevance to a given query. The company has publicly stated that RankBrain is already the third most important signal overall. (In true Google fashion, they will not reveal what the first two are.) Thus, RankBrain is clearly very important to search, even at this early stage. But what does it actually do?

Google users enter some three billion queries into the search engine each day. The company says that about 15 percent of those queries are unique — no user has ever before performed exactly that search. RankBrain helps Google's computers understand these unique queries. An example in Bloomberg's report is the question, "What's the title of the consumer at the highest level of a food chain?" While most uses of the word "consumer" probably refer to purchasers of products, it is also a scientific term for an animal that consumes another animal. Entering this rather awkwardly phrased query into Google indeed returns as the first result a Wikipedia articled titled "Consumer (food chain)," which contains the answer to the query: "apex predator." (Note that searching for the exact question by enclosing it in quotation marks returns a list of articles covering RankBrain itself.) RankBrain is presumably helping to make a connection between this once-unique query and the innumerable other variations Google has encountered and successfully answered before.

An AI that can mimic all the cognitive tasks a human being performs is called an "artificial general intelligence" (AGI) or "strong AI." AGI remains a hypothetical concept. The ramifications of a computer capable of tasks reasoning, creativity and extrapolation are impossible to predict, just as no one can perfectly predict the thoughts and actions of a person with free will.

An AI that is designed to do a strictly limited set of tasks is called an "artificial narrow intelligence" (ANI) or "weak AI." A modern supercomputer programmed to play chess can beat virtually any human player in the world, but it cannot perform other tasks for which it is not programmed, no matter how simple. This is an example of weak AI. Another is Siri, the voice-activated assistant on iPhones. Siri is capable of accomplishing many tasks, but often is stymied by user queries it fails to understand.

> Computers may already appear to the layman to be capable of intelligent thought, when in fact they are merely executing huge and complex instruction sets. Few experts would argue seriously that today's computers are literally a form of intelligence, but many think that the eventual emergence of strong artificial intelligence is likely, if not inevitable.

Machine learning is distinct from both types of artificial intelligence, although it is surely a prerequisite to strong AI. Machine learning is a system by which a computer can adjust its own instruction set, or algorithm, to more effectively accomplish its tasks. Shortly after revealing RankBrain, Google held an event for tech journalists called "Machine Learning 101." There, as reported by the website Marketing Land, Google engineers explained that machine learning systems comprise three main parts: the model, the parameters and the learner.

The model is a process for making decisions or predictions. The initial model is provided to the machine learning system by human programmers. The parameters are the factors or signals that the model uses to make determinations. The learner is a system that analyzes the differences between the determinations actually made by the model and the determinations deemed most accurate or optimal by human designers. The learner then makes adjustments to the parameters and the model in an attempt to optimize them to produce better results. The system then runs with its new model and parameters in place, and the process is repeated. Google says that an important quality of most machine learning systems is "gradient learning," which means that the system favors small adjustments over larger ones.

Because RankBrain and machine learning are concepts very much in their infancy, Google says RankBrain's learning occurs offline. That is, the changes that it makes are not immediately incorporated into the search engine's algorithms. Instead, engineers analyze them to determine whether they actually improve the search process. If they do, they are integrated into a new version of RankBrain, and the new version is activated.

A Google blog post from 2013 provides another example of how computers can learn. The post explains the concept of creating "vectors," or mathematical expressions, from words. Google fed the raw text from a large number of news articles into the system, which it calls Word2vec. Without any explicit instructions to do so, Word2vec recognized a similarity in the relationships between the words for various countries and the words for their capitals. As Google put it, "it understands that Paris and France are related the same way Berlin and Germany are... and not the same way Madrid and Italy are." Google was careful not to say that its computers understand the words themselves or even the concepts of countries or capitals. But that is immaterial to search engine users, who can derive value from a system that is able to understand relationships between words even if it does not understand those words as humans do.

Much like natural intelligence in humans and animals, artificial intelligence and machine learning are rather abstract, ethereal concepts. In animals, and even in humans, it is difficult to say where instinct ends and intelligence begins. Likewise, computers may already appear to the layman to be capable of intelligent thought, when in fact they are merely executing huge and complex instruction sets. Few experts would argue seriously that today's computers are literally a form of intelligence, but many think that the eventual emergence of strong artificial intelligence is likely, if not inevitable.

Some disagree, including philosopher John Searle. He created a thought experiment called the Chinese Room which illustrates the difficulty in distinguishing true intelligence from a highly complex instruction set. Searle imagined an English speaker locked in a room with a set of instructions. The occupant, when presented with a series of Chinese characters from someone outside the room, follows the instructions to correlate those characters with other Chinese characters, which he then copies and returns to the person outside the room. The instructions do not allow for translating between Chinese and English; they merely tell the occupant which characters to output in response to a given input.

Given a sufficiently sophisticated and exhaustive set of instructions, those outside the room would be convinced, mistakenly, that the occupant understood Chinese. Searle theorized that a computer can never amount to more than the occupant of the Chinese room. A computer executing a set of instructions can never achieve true understanding, no matter how convincing the result.

Search engines contain vast amounts of data. They know more about the raw content of web pages than any person ever could. But in terms of their ability to mimic higher cognitive functions, such as pattern recognition, decision making and understanding context, they hardly measure up against a toddler. Google and other search engine companies want their algorithms to emulate humans' cognitive abilities. Only humans can effectively judge the quality of a source of information. The best possible search results for any given query would be ones manually curated by a human expert. Search engines do a fair job of approximating this ideal by following algorithms consisting of huge sets of instructions that have been painstakingly written, tested and rewritten by programmers.

The promise of machine learning and artificial intelligence is that computers may someday teach themselves. That is, having been endowed by programmers with the ability to alter their own algorithms, they will do so in ways that allow them to meet their goals — to mimic human cognition and make human-like value judgments — more effectively. If and when computers can reliably alter their programming in positive ways, the implications are profound, but quite difficult to predict. At the very least, it will reduce the burden on programmers of making innumerable fine adjustments to algorithms.

> The lesson RankBrain teaches is clear: do not cut corners on your website or try to game the search engines. With each passing day, they are better able to recognize true quality.
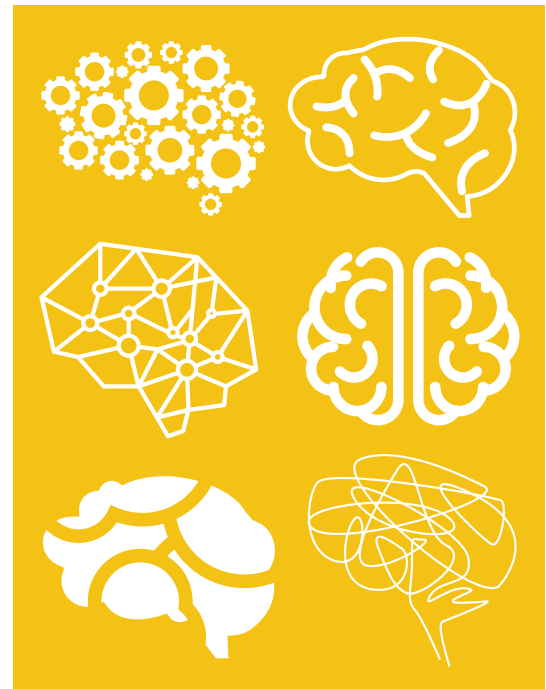
The immediate and direct implications of RankBrain for SEO are minimal. No one needs to change the way they design web pages or create content because of RankBrain. But it does serve to reinforce the notion that the old days of SEO, dominated by finding ways to game the search engines and fool them into thinking a web page is better than it really is, are long gone. People will always be the ultimate arbiter of what makes web content good, because people are the end users. The highest aspiration Google can have for its algorithms is that they will effectively mimic and anticipate a typical user's preferences. RankBrain is a small but significant step toward that goal — one of many steps already taken since the early days of the internet.

And what are typical users' preferences? They want accurate, well-written information that is useful and easy to understand. They want pages that load quickly and are free of clutter. Shortcuts to these qualities do not exist. They require skilled content creators and designers. The lesson RankBrain teaches is clear: do not cut corners on your website or try to game the search engines. With each passing day, they are better able to recognize true quality, which can only be achieved with time and effort.

Will Google's machine learning systems someday make more changes to the search engine's algorithms than the engineers themselves? It's certainly possible, and perhaps likely. But humans will always be at the beginning and the end of the process. The systems will always be designed by engineers to accomplish certain tasks, and the goal will always be a search engine that returns results as if they were hand-picked by a human expert. Like Searle's Chinese room, a sufficiently robust instruction set is indistinguishable from actual human understanding. You should therefore design your website and content as if all of Google's search results are chosen by actual people, because someday, the difference may be merely philosophical.

- Ryan Conley

5

TIPS

for Developing a Successful & Creative Logo Design

Planning is a necessary component in the creation of any successful logo. A logo is the face a firm presents to the world, and it needs to speak for the firm in a memorable way. While the decisions made about a logo should be unique to the firm, there are some universal elements of good logo design that can be drawn from. Here are five tips to help your firm create a successful logo.

If you do not have a plan from the beginning, you will waste valuable time and resources.

01 Use the right tools

Your logo must be adaptable. It will need to work in any application, from print to web, to maintain brand consistency. Your logo will need to look equally good on printed brochures, websites, online ads, embroidery, black and white newspaper ads, pens, videos and anything else that can be branded. Because of this, a logo must be scalable. Assembling pixel-based images in Photoshop or Word will make enlarging a logo as needed difficult.

Logos should be created with a vector-based software application so that they can be saved in any format at any size. This will allow the logo to adapt and scale up from business card sized to fit a conference room wall.

02 Pick colors thoughtfully

A color should be used only if it helps communicate your core message. Colors create a mood through association, and it is critical that a logo's colors convey the right emotion and tone. Keep your audience in mind
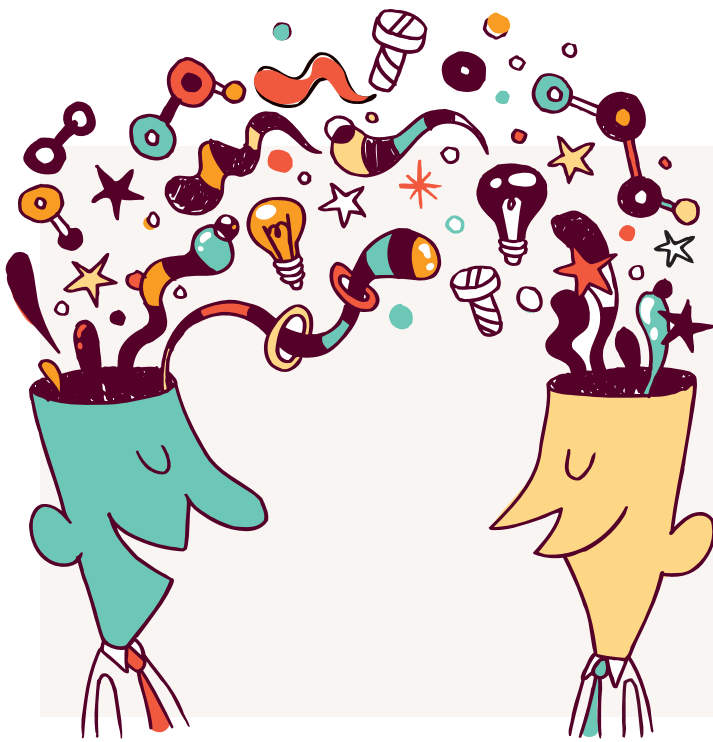
Your logo needs to stand out, and the look and feel of your logo needs to resonate with your audience. You don't know what planning went into the creation of another firm's logo, but you do know it was not exclusive to you.

when you pick colors. Will potential clients respond to calm, soothing colors, like blue, or fresh, modern colors like bright green? Think of the problems you are trying to solve for clients and what emotions are associated with those solutions. With this understanding, you can pick bold, subtle, strong or traditional colors as longs as they resonate with your clients and your message.

03 Be wary of fads

Design fads come and go. If you jump on a fad bandwagon too quickly, in a couple of years you may have a dated logo that is already in need of a redesign. Good logos may need a little freshening up every few decades, but they should not require a reboot every few years. Such inconsistency is confusing, and it makes it difficult for a firm to build a solid, memorable brand personality.

Some fads also may not be appropriate for the legal industry. Gradients, for example, which became very popular with tech startups, are not usable by more traditional industries. Gradients may not print or reproduce well. While tech companies may not need to worry about print, a law firm logo be effective big and small, in color and in black and

white. Gradients don't perform well in these diverse situations. And, chances are in a few years they (or whichever fad is trending) will be out. If that trend is all you have to support your logo's design, it will be out, too.

04 No copying (tell your story)

You may learn from competitors, but taking from them is unacceptable. Your logo is your logo, and it should be unquestionably and uniquely yours.

You want to stand out, and you want the look and feel of your logo to resonate with your audience. You don't know what planning (if any) went into the creation of another firm's logo, but you do know that it was not exclusive to you. Besides, many firms already use the same types of imagery and the same system fonts, like Times, Arial, Trajan or Verdana. This should be avoided. Make your firm memorable to prospective clients by choosing a different design path.

05 Avoid templates

Online resources for "professionally designed" logo templates are crowding the marketplace with graphics ready made for any firm to place its name on and use. These templates can be

detrimental in many ways. First, a logo is supposed to be a voice for a firm's brand story. It should evolve through a process of collaboration and planning to communicate the firm's culture and values. The messaging behind a logo should be custom, designed to appeal to clients and built with a firm's philosophy in mind. A pre-created logo designed by someone with no insight into a firm's brand strategy cannot accomplish this.

Logo template companies have to use generalities that represent types of professions for which they are designing. Crosses or hearts for health care, fish for a seafood restaurant or a plane for a travel company, for example. Buying into those generalities does nothing to distinguish a business from its competitors.

Another problem with templates is that anyone can use any of the designs. In many cases template-based logos are difficult to copyright and impossible to trademark. Buying the exclusive license to a template-based design can become expensive — in many cases costs will run higher than a custom design. Your firm is worth the investment to have a custom, successful logo built from the start.

- Thomas Johnson

RE-PUBLISHING
WEBSITE
CONTENT

Marketing software provider Moz claims that Google rewards the re-publishing of content. What is re-publishing, and how can attorneys use it strategically to maximize exposure & marketing results?

WHAT IS RE-PUBLISHING?

In this context, re-publishing content does not mean producing duplicate content. Pages that contain duplicate content will be penalized. Re-publishing techniques can include writing several articles on the same topic and linking between them, publishing transcripts to videos, updating older articles, or writing fresh articles and redirecting old pages to the newer content. All of these techniques help to increase your authority on a particular topic, and frequent publishing of content gives your firm the opportunity to post updates on social networks linking to the new content.

GOOGLE IS CONSTANTLY TESTING

Google frequently performs tests to determine whether a piece of content was well-received by viewers, and it may position that piece of content on the first page of the results to help determine how well it fares with a small amount of searchers.

If many people click on the link and do not subsequently click the back button, this suggests that the content has high engagement, and Google will think that the page should place well in search results for a longer period of time or for a wider audience. If you have written a topical piece that does not see a good level of engagement with a small segment, it may not be given a chance to reach a wider audience.

However, one cannot rule out that a particular issue with the posting had to do with an insufficient amount of engagement to enable Google to keep the link on the search engine results page (SERP). Maybe the posting had all the makings of a high-ranking page, but some other metric was off. Re-publishing gives you to opportunity to try again with the same topic

Fresh publishing can also provide its own increase in rankings. There tends to be an association between positive rankings and the appearance of a recent date in the SERPs. This is based upon an analysis of SERPscape performed by Russ Jones, a Principal Search Scientist at Moz. SERPscape is a data set and tool created by Jones that stores data on 40,000,000 U.S. search results. It consists of an application program interface (API), that can ask the data about what is displayed in the results.

PUBLISHING MANY TIMES

By publishing several times about the same topic, Google may begin to associate the writer with it and include that writer's posts in the results for an increasing number of search queries

about that topic. When one publishes several pieces of content, Google tends to provide many opportunities to increase the number of links, and the amount of engagement with one's posts increases.

CAN LAWYERS TAKE ADVANTAGE?

Lawyers can reap the benefits of re-published content by posting several pieces of content about the same subject matter. Because Google allows the writer's name to appear more frequently with this strategy, the lawyer can establish him- or herself as an authority figure on a given topic. By posting frequently on their blogs and writing newsletters and press releases, attorneys will realize a large amount of engagement on their websites, thereby resulting in an increase in the number of links, as well as a rise in the level of authority Google assigns to their content.

Such frequent re-publishing of content by attorneys will serve to promote and market their law practice. Their blogs and articles will gain new followers, which can potentially result in new clients and an increase in revenue. Those attorneys who post frequently will eventually be perceived as experts in their fields of law, and they will be sought after by current and new clients for legal advice. The media may also contact them to answer questions on topics relevant to their practice areas. In these ways, re-publishing content can enable lawyers to reach a

larger audience, including other legal professionals who can refer them clients in their practice area, thereby leading to a mutually beneficial relationship.

WHAT TYPES OF CONTENT CAN ATTORNEYS RE-PUBLISH?

Attorneys could re-publish various types of content, including blogs and newsletter articles that discuss topics relevant their areas of expertise. Posting relevant content consistently will help attorneys develop a loyal following of readers who will look forward to viewing the articles on a regular basis. One can also obtain content topic ideas by visiting the websites of competitors.

Attorneys could post a series of videos in which they discuss broad legal subject matter. Once the videos are live, the firm can then publish transcripts. By doing this, they are increasing the likelihood that people will view them several times and will contact them for a legal consultation. Current and prospective clients will be able to see that the lawyer is personable, trustworthy and knowledgeable.

Frequently asked questions that many clients have posed in the past, or that attorneys anticipate several clients will ask in the future are another good source of content. By publishing answers to many questions about

Google rewards re-publishing of content because it communicates to Google and its users that the writer is an authority on a given topic and strengthens the association that Google has with the writer's website.

a similar subject matter, firms are providing a service to those who may have legal issues those FAQs address. One concern that some lawyers have is the provision of free advice. However, giving such advice and information will only serve to communicate to one's audience that one is passionate about one's profession and about helping people, and will, in all likelihood, result in attorney-client relationships that offer remuneration.

Moreover, re-publishing gives your firm the opportunity to talk about your content on social media sites such as LinkedIn, Facebook and Twitter. This an effective way to market oneself among other legal professionals and to the community at large. Attorneys who promote their articles via social media sites can realize a wider reach of viewers, with whom they build a base of trust and,

ultimately, to whom they can provide legal services.

WHY WOULD GOOGLE REWARD SUCH CONTENT?

Google rewards re-publishing of content because it communicates to Google and its users that the writer is an authority on a given topic, and it strengthens the association between the author and that author's website. The more often one re-publishes content that targets the same subjects and keywords that were present in an older, original article — and that is an update of that previous article — the more likely it is the newer content will rank highly in search engines.

As one repeats the re-publishing of content by adding to a previously published blog post or article, one will eventually become better at this process,

and the quality of the content will improve over time. The re-publication of several pieces of content will result in an increase in the number of links, ample opportunities to engage with social media and a rise in the content's ranking on search engines.

Once the content's ranking is in the top two or three results, this will increase the click-through rate (CTR) of the content. The CTR represents the number of viewers who click on a certain link out of the entire number of viewers who land on a page, email or advertisement. It is used to evaluate the success of an online ad campaign for a website. Thus, it is to one's advantage to consistently re-publish content that adds value, for in so doing, one will be successful at promoting and marketing one's legal services.

- Roxanne Minott

LITIGATION SPECIAL!

ACT NOW!

SHOULD LAWYERS BE TRAINED

IN SALES?

IN A COMPETITIVE MARKET, ATTORNEYS MUST POSSESS A VARIETY OF SKILLS, NOT ALL OF WHICH ARE DIRECTLY RELATED TO THE LAW.

Many attorneys are uncomfortable with sales and would prefer that the firm's marketing staff could bring in all the business necessary, letting the lawyers practice law. However, maintaining effective client relationships is undoubtedly part of the profession, and client relationships begin with the first contact, when a prospective client has not yet committed to the firm. Bringing a prospective client on board means selling the firm's services, and it involves the same skills that attorneys must use to maintain ongoing client relationships: practicing good communication, understanding the client's needs and building the client's confidence that the firm will meet those needs. Every attorney in a firm should therefore recognize the importance of sales skills and be willing to develop them.

Even when firms understand the importance of developing attorneys' sales skills, they may not have a clear idea of how to improve them. In fact, sales skills can be taught in a structured, formal way, and can be learned by anyone. The key elements of building trust and rapport, understanding the client's decision-making and increasing client satisfaction are teachable skills. However, the firm's rainmakers may not be the best people to teach them. Mentoring is often unstructured and idiosyncratic, and it is unlikely to be effective, especially if the attorneys being trained cannot adapt to the mentor's personality or presentation style. Many firms are beginning to

unbundle legal services and demand flat fees, law firms have responded by reexamining their pricing and project management and emphasizing sales. Firms that want to move in this direction would do well to become aware of some common obstacles to creating a sales culture, and the pros and cons of different approaches to sales training for attorneys.

OVERCOMING OBSTACLES TO THE CREATION OF A SALES CULTURE

The biggest obstacle to an emphasis on sales may be attorneys themselves, who may perceive marketing as unprofessional or inappropriate for lawyers. "I didn't go to law school to become a salesperson" is

marketing legal services to discerning clients are diametrically opposed to an unethical, hard sell approach. Instead, attorneys marketing the firm's services are actually building on their legal skills. Attorneys are professional communicators, expert convincers and experienced problem solvers who are highly skilled in analyzing a situation to determine the best course of action to achieve a client's goals. Listening to a client's explanation of their legal problem, understanding their goals and communicating to the client how the firm can help, are natural extensions of an attorney's professional skills.

> Lawyers may have unconsciously absorbed the same stereotypes that the general public holds about salespeople as unethical, flashy, fast-talking, hard-selling cheats. However, professionals marketing legal services to discerning clients are diametrically opposed to an unethical, hard sell approach.

recognize that outside sales and marketing professionals may be better equipped to train the firm's attorneys in the art of sales. While outside professional sales trainers will not have in-depth knowledge of the firm's clients and culture, they will understand business and marketing and have the teaching and course development skills to impart that knowledge to the firm's attorneys.

Some firms are hiring non-lawyer marketing professionals to direct their marketing efforts and bringing in sales executives to sell the firm's services and train attorneys to do the same. These trends are particularly pronounced in large firms with corporate clients. As those clients have sought to bring legal work in house,

a common refrain. Attorneys may have a preconceived notion of salespeople as unethical, manipulative or less intelligent than themselves. They may simply feel that marketing is beneath them.

This attitude can be countered in several ways.

First, the firm's attorneys should recognize that marketing legal services is a sophisticated skill, developed by intelligent professionals, from whom attorneys can learn. Lawyers may have unconsciously absorbed the same stereotypes that the general public holds about salespeople as unethical, flashy, fast-talking, hard-selling cheats. (It is worth noting that many people apply the same stereotypical traits to lawyers as well.) But professionals

Another factor in convincing the firm's attorneys of the necessity of a sales culture is understanding that it is essential for competitive advantage. The legal profession has been transformed tremendously over the past few decades, with services that were once considered highly specialized increasingly viewed as commodities. Many individual changes have played a role in this transformation: the number of attorneys has multiplied, clients have become more sophisticated and cost-conscious and there has been a move away from hourly billing toward flat fees and unbundled services. The result is that marketing has become an economic necessity for firms. Attorneys do not have the luxury of waiting for clients to come to them. Instead, they must communicate their unique value to clients.

Sometimes an obstacle can be overcome by circumventing it. Effective communication starts at the top, and there is no sense using terminology that has a negative connotation for your audience. It may help to refer a sales training program as "business development" or "building client relationships" when attempting to convince lawyers to participate.

PROS AND CONS OF DIFFERENT APPROACHES

The temptation to commission the firm's rainmakers as its sales trainers may be a strong one. After all, who better to teach than one who excels? Rainmakers get results, they are intimately familiar with the firm's culture and clients, and they are already in contact with the firm's other attorneys. Why not have them mentor other attorneys or lead a sales training program? There are actually several reasons why the firm's top sellers may not be the best trainers. A "natural" salesperson who found success quickly may never have taken the time to analyze what works and what does not. Teaching someone how to sell is a different skill than selling itself. And mentoring may be worse than ineffective: it may cause resentment between colleagues.

Another tempting approach is to have the firm's in-house marketing directors and administrators train attorneys. While it may be true that these personnel understand very well what the firm's attorneys need to learn about marketing, the attorneys may not be able to hear it from them. Many of the drawbacks of employing rainmakers-as-trainers apply to marketing directors-as-trainers as well: they may not have teaching skills, and having colleagues instruct each other may cause unnecessary animosity.

With regard to outside companies offering sales training, the firm should select a program based on whether it can be expected to meet the firm's goals, and this will depend in large part on the personnel conducting the training. Trainers may be described as marketing professionals, marketing professors, professional trainers or law firm consultants.

COMMUNICATE YOUR UNIQUE VALUE

While marketing professionals understand the day-to-day realities of business and marketing, they may lack teaching skills. Professional trainers and marketing professors may have superior teaching skills and in-depth knowledge, but little practical experience. Law firm consultants are more likely to have knowledge and experience about attorneys and firms, but may have less experience with teaching and course development, and may seek to sell the firm other consulting services that are not needed. These professional categories represent a continuum of skills, and an ideal trainer will bring the right combination of capabilities to the task.

Another consideration is the level of involvement that the firm wants the sales training team to take on. The firm's attorneys may attend a single seminar or an ongoing series of courses, or there may be personalized, hands-on training with mock client presentations. A fully integrated sales training program may involve bringing in non-lawyer sales professionals as marketing directors, charged with directing both sales training for attorneys and more general marketing efforts.

"Sales" is not a popular word in most law firms, but the truth is that communicating the value of the firm's legal services to prospective clients is part of being a good lawyer, and in these changing times, it is a skill that firms cannot afford to ignore.

- Brendan Conley

OVERCOMING OBSTACLES AND CREATING A SALES CULTURE

CHANGE THE NARRATIVE
Attorneys may feel that sales is beneath them. Any discussion of business development should recognize that marketing legal services is a sophisticated skill, developed by intelligent professionals from whom attorneys can learn. Professionals marketing legal services to discerning clients are diametrically opposed to an unethical, hard sell approach.

TAKE ADVANTAGE
The legal profession has been transformed tremendously over the past few decades, with services that were once considered highly specialized increasingly seen as commodities. The result is that marketing has become an economic necessity for firms. Attorneys do not have the luxury of waiting for clients to come to them. Instead, they must communicate their unique value to clients.

CREATE A TRAINING PROGRAM THAT MAKES SENSE
The firm's top sellers may not be its best trainers. Teaching someone how to sell is a different skill than selling itself. A fully integrated sales training program may involve bringing in non-lawyer sales professionals as marketing directors, charged with directing both sales training for attorneys and more general marketing efforts.

FIVE
QUESTIONS
your website
SHOULD ANSWER

What do people visiting your website want to know?

An effective website is a communication tool. Good sites contain information about a firm while remaining focused on the visitor and how he or she will benefit from the firm's services. Here are five questions to which people looking for an attorney are most interested in finding answer.
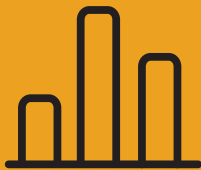
1 ONE: EXPERIENCE
Do you have experience with my issue?

In multiple surveys, experience is consistently cited as the number one concern of people searching for a lawyer. People searching for an attorney need to understand how your experience with their issue can help improve their lives in a tangible way.

EXPERIENCE

2 TWO: STRENGTHS
What are you really good at?

People want to be able to review the services you provide, and they want more detail than just a basic list. They would like to know what you are passionate about and what work you do well. Try explaining why you chose law and your particular areas of practice. Provide examples, if possible. Be human. Visitors recognize and respond to honest expressions of emotion.

STRENGTHS

4 FOUR: REVIEWS
What do others think of your firm?

Social proof is very persuasive. People want to be reassured that they are taking actions others see as correct. Testimonials from satisfied clients can help convince people to contact your firm.

3 THREE: EXPECTATIONS
Who are you, and what are you like to work with? Will you return my calls?

Attorney bios are consistently the most visited pages on law firm websites, second only to the home page. People want to get to know who they will be working with and are looking for information that goes deeper than where you went to law school and what judge you clerked for. They want to understand what the experience of working with you will be like.

5 FIVE: BENEFITS
How does all of this help me as a visitor or potential client?

Your site must convey a sense of purpose to the visitor. Yes, you need to talk about yourself, but the site should showcase how the information presented about your firm affects the reader. They need to know how your experience and practice help them. This is the difference between focusing on features and focusing on benefits.

BENEFITS

NOBODY LIKES TO BE LEFT IN THE DARK

While many law firm marketing companies put up walls between you and your statistics, we decided to install a window. Follow trends, view your link portfolio, track rankings, follow competitors and more in the newly redesigned CLM Lounge.

CUSTOM
LEGAL MARKETING

HOW TO: WRITE GREAT DESIGN BRIEFS

An effective design brief helps ensure your project is successful

You are kicking off a design project and looking forward to the great product you will soon be launching. How do you ensure you will receive a design that you like and that is effective? How do you explain your vision and needs to your new design team?

A DESIGN BRIEF IS THE ANSWER.

A design brief is the document that outlines expectations for a project from the client's perspective. The brief should focus primarily on desired outcomes and business objectives. A brief should describe how the design of a website, advertisement or any other collateral will help further specific goals.

A design brief may also cover details like communication protocols and time frames or for deliverables at each stage of the design process.

A comprehensive, detailed brief serves as an instructional document for the project, clarifying what the designer needs to accomplish and any constraints that apply throughout the process. The greater the understanding between designer and client from the beginning, the more value the finished project will have. Both the client and the design firm need to agree to a design brief, or at least a list of basic questions and answers, before any project is started.

Here are seven questions a design brief should answer. Provide as much detail as possible. Since your answers will determine the design choices your team makes, each question deserves time and attention.

1. WHAT DOES YOUR FIRM DO?

List your primary practice areas, including any you want to feature or any you are trying to move away from.

How do you do these things differently from competing firms? Do you have a unique offering or experience? How does your firm's history and culture affect your interaction with clients in these areas?

2. WHO IS YOUR AUDIENCE?

What are your ideal clients' demographics and personality traits? Do you work primarily with people of a certain age, gender or income level? What are the tastes, hobbies, attitudes,

> **A COMPREHENSIVE, DETAILED BRIEF SERVES AS AN INSTRUCTIONAL DOCUMENT FOR THE ENTIRE PROJECT.**
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> -
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> *The greater the understanding between designer and client from the beginning, the more value the finished project will have.*

jobs and lifestyles of your high-value clients? If your firm has multiple audiences it needs to reach, rank each in terms of importance.

3. WHAT ARE THE PROJECT GOALS?

Different firms have different marketing and business development goals. These goals may include lead generation, acquiring new cases, recruitment, increasing awareness about the firm, confirming the firm's experience and authority, or a combination of these (and other) objectives. A brief should outline these goals as and discuss the

primary messaging points you want the design to communicate in order to help achieve them.

4. WHAT EMOTIONS DO YOU WANT TO EVOKE?

A good design speaks to people on many levels. When you connect on an emotional level, potential clients are more likely to trust and hire you. The feeling you want to evoke will affect the color, font and image choices your design team makes.

5. CAN YOU PROVIDE SAMPLES?

Are there any examples of designs you really like? Conversely, are there any absolute "do nots?" Be sure to explain why you like or dislike any examples you provide.

6. WHAT MATERIALS ARE NECESSARY? WHO WILL PROVIDE THEM?

Who will be writing copy? Will a professional photographer be involved, or will the design use stock? For website projects, is there be any third-party software, like a live chat, that needs to be integrated?

7. WHAT IS THE TIME FRAME?

Are there concrete deadlines or time constraints that must be met?

Remember to stay on message, and do not try to copy what other firms are already doing. Be thoughtful and open, and make sure you lay the groundwork for a solid professional relationship from the beginning. Your project will progress more smoothly and you will be more likely to get the results you need.

- Kristen Friend