



**BIGGER  
LAW FIRM**

*A magazine for attorneys*



# THE SCIENCE OF DECISION MAKING

*Humans can make rational decisions, but their choices are usually more complicated. Effective marketing needs to appeal to logical decision makers, but also to real people who are influenced by emotions, peer pressure and cognitive biases.*

## VIRTUAL IMPRESSION

Techniques for creating effective calls to action for lead generation

## PRODUCT SPOTLIGHT

Smokeball practice management software: a solution designed with small law firms in mind

## LAW + TECH

(Actually) useful technology action items to help grow your firm





## The Science of Decision Making

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## PRODUCT SPOTLIGHT

### Efficiency. Customized.

At a small law firm, your attorneys might have to juggle multiple responsibilities regardless of position. Smokeball attempts to increase productivity and ease workload for small law firms that may have limited resources.



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*Bigger Law Firm™* was founded to introduce lawyers to new marketing and firm management ideas. Advancing technology is helping law firms cover more territory, expand with less overhead and advertise with smaller budgets. So many tools exist, but if attorneys are not aware of these resources, they cannot integrate them into their practice. The *Bigger Law Firm* magazine is written by experienced legal marketing professionals who work with lawyers every day. This publication is just one more way Custom Legal Marketing™ is helping attorneys Build a Bigger Law Firm™.

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# read me!

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## TECHNIQUES FOR EFFECTIVE CALLS TO ACTION ON LAW FIRM WEBSITES

A call to action (CTA) is an essential feature of any website that hopes to convert its visitors into clients. Calls to action have become increasingly important in a world of short attention spans where people decide in a matter of seconds whether to act or move on to the next website. For attorneys, the ultimate goal of a CTA is to encourage a prospect to take the decisive step toward using their law firm's services.





Some of the most common CTAs on lawyer sites are invitations to call, schedule a free consultation, fill in a contact form or download an ebook. While the content of a website showcases an attorney's qualifications, experience and problem-solving abilities, it is the CTA that ultimately compels potential clients to pick up the phone or share their information.

However, simply having a "submit" form button or a "contact us" section does not guarantee that prospects will take action instead of leaving the website. An effective CTA is one that is concise, clear and compelling. There are many factors that go into creating a CTA that entices potential clients to complete the conversion process.

### WHAT MAKES AN EFFECTIVE CTA?

While CTAs may take various forms such as a button, link, graphic or banner, those that adhere to established best practices are more likely to be successful. In general, CTAs should be visually attractive and worded in a way that organically flows with the content on the rest of the webpage.

Even if a CTA meets all the criteria above, it may still fail to achieve the desired results if website visitors do not know what they should do or how they will benefit from responding.

For example, the Lyft homepage has two buttons with the text "Sign Up to Drive" and "Become a Driver" that effectively direct the visitor to the step they should be taking. Clicking on one or the other brings up different forms for the individual to fill out.

Focus on the value your CTA provides by communicating what the prospect should expect after calling your



Calls to action should strive to use informative text in order to attract attention from leads. The words "download" or "click here" are much less detailed than the impactful alternatives "get my free ebook" or "register here for a case evaluation."

firm or submitting a form. Will you reply with a call or an email? If so, when are they likely to hear from you? If a potential client requests a consultation, tell them exactly what the initial meeting will entail.

Timing is another key factor in the conversion process. Ask website visitors to respond to a CTA at the wrong time during their online journey, and they might turn away.

Some legal websites go too far by using techniques that may actually alienate prospective clients instead of converting them. If a visitor is greeted with a popup live chat box that says "Can we help you?" upon landing on the website's homepage, they are more likely to click away rather than choose the "yes" button in response to the intrusive question being asked.

In cases like this, the popup may have come at a point when the prospect was simply not ready to take action.

They were not given the chance to read the website content and see how that particular law firm would be able to solve their legal problems. The last thing you want to do is spam a potential client with a CTA they are not ready for nor interested in.

Lawyer websites should also offer visitors more than one way to connect with them as not everyone will want to reach a law firm in the same way. Some people may want to call, while others may prefer to get in touch via email. By providing multiple types of CTAs, you are likely to have higher conversion rates as everyone will find a method of communication that is easy and comfortable for them.

Additionally, remember that many people enter attorney websites through their practice area pages rather than the homepage. Make sure to display an easily accessible CTA on every page so that visitors have options to act no matter where they

are. Otherwise, they may simply leave without taking any action to contact you.

## WHY DOES LANGUAGE MATTER?

The words or phrases chosen to craft a CTA must strike a chord with visitors and convince them to act. For that reason, the language on the website should be engaging to the prospect.

Consider experimenting with different words to determine which yield the best results for your target audience. For example, for law firms that handle criminal defense, overly lighthearted language may be a turn off for potential clients. It may give rise to the perception that you do not take their problems seriously.

On the other hand, using a word like “consultation” in the CTA may be intimidating to the average person. They may be deterred from responding out of uncertainty as to what the consultation involves. Instead, a direct phrase like “talk to a lawyer” may yield better conversions.

Calls to action should also strive to use informative text in order to attract attention from leads. The words “download” or “click here” are much less detailed than the impactful alternatives “get my free ebook” or “register here for a case evaluation.”

In addition to using action-oriented words, attorneys should connect the CTA with website content that discusses how their law firm solves clients’ cases and addresses their legal concerns. No one is going to submit a contact form or book a free consultation if they have not been convinced you will meet their needs.

## ROLE OF DESIGN ELEMENTS

There are multiple design elements that can have an impact on a CTA’s performance. In order to compel website visitors to contact your law firm, the CTA

must be presented prominently on your site. Some visual aspects to keep in mind and play around with include color, size and placement within the webpage.

Not only does the position of your CTA in relation to other screen elements matter, but so does the negative space around it. Using such space to create contrast with surrounding content can help your CTA stand out. The Google homepage is a prime example of how white space gives the message an eye-catching quality.

While vibrant colors are effective for drawing attention, be careful of overdoing it with garish or jarring hues that clash with your website’s overall aesthetics. One way to decide which color to use for the CTA button or text is to pick a hue that contrasts from the website’s color palette. For instance, if a law firm website uses pale greens and beige tones, the CTA may be a bright blue. The different color sets it apart from the rest of the website.

The size of the CTA also matters. Visually, it needs to be noticeable on the webpage while still being proportionate to the site’s overall design. While a larger button or banner is sure to stand out more and be easy to read for users, it may detract attention from the main content on the page. The key is to find a happy medium that ensures the CTA is bold and obvious, yet not overpowering.

An effective CTA is one that is visually appealing and utilizes powerful language to encourage website visitors to use your law firm’s services. However, it should never come across as manipulative to prospective clients. Rather than simply focusing on conversion, also think about perception. How does the CTA reflect on your law firm’s brand? Only testing and careful planning will determine whether it will produce desirable results, even if you have followed every best practice.

- *Dipal Parmar*



## DESIGNING YOUR CTA

An effective CTA is one that is visually appealing and noticeable on the webpage, while still being proportionate to the site’s overall design. It will utilize powerful language to encourage website visitors to use your law firm’s services. However, it should never come across as manipulative to prospective clients.



# (ACTUALLY) useful tech

## TECHNOLOGY ACTION ITEMS TO GROW YOUR FIRM

Although the legal industry tends not to be an early adopter of disruptive technologies, the ways in which the internet can help you manage and grow your practice are innumerable. No one has time to explore them all, so how can you get a good return on a modest investment of your time? Read on for concrete action items in three key areas: security, productivity and marketing.

### GET SERIOUS ABOUT DATA SECURITY

Many businesses and individuals do not adopt comprehensive security practices until they have learned a difficult lesson. After all, it is human nature to assume that past events foretell future events – if disaster has not struck yet, we tend to get complacent about its future potential.

This is a destructive fallacy. Attorneys need to do everything practical to protect their clients' data, and their own, from loss and from unauthorized access.

### 1 SECURITY

Security should be a cornerstone of your firm's technology strategy.

Passwords are very often the weak link in any security system. This is because secure passwords can be a pain point, leading people to use insecure passwords — and reuse them frequently.

**A strong password exhibits the following characteristics:**

**Length:** It should be a minimum of 10 characters, and preferably 12 or more.

**No words:** It should contain no real words or common proper nouns.

**Uniqueness:** You should not use any password for more than one site or service.

**Random:** Ideally, you should not create passwords yourself; rather, you should use an application to ensure they are random.

**Characters:** It should contain at least one uppercase and one lowercase letter and one number.

It is easy to see why secure passwords can be cumbersome. Each one is difficult to remember, and you need to create dozens of them. Even typing them in is cumbersome because they contain jumbles of random characters. You need an application to help you manage them.

**Action Item:** Use a password manager.

A password manager has several important functions. It stores your passwords in a secure environment as opposed to a text file or sticky note. It generates random passwords. And many offer web browser plug-ins that automatically fill in your credentials on websites. Your passwords are protected by a strong, unique master password, which you commit to memory.

LastPass is a leading and well-regarded password manager. Other popular



options include KeePass and 1Password. When you try one out, do not forget to dig into the program options to find the right balance between security and convenience. For example, you can set it to automatically require re-entering your master password after your computer wakes up from sleep or after so many minutes of idleness.

Your web browser likely offers built-in functionality to remember and enter credentials, which may make a separate password manager seem redundant. However, a single-purpose application dedicated to secure password management is a more robust solution.

**Action Item:** Change default passwords on your devices.

You may have heard about the Mirai botnet (*for more see “Cybersecurity Review 2016”*). Mirai is a widespread computer virus that takes over internet-connected gadgets like routers, printers and security cameras and turns them into “bots” awaiting hackers’ instructions. The Mirai botnet was responsible for disrupting access to dozens of top websites on October 21, 2016.

As ingenious as the coding behind Mirai is, its spread depends almost entirely on default passwords. When you buy a device like those mentioned above, it often is set with a default password. This default might be common to every other product of

the same model, and it might be as simple as “password.” Needless to say, an internet-connected device with a password that is both weak and common to many other devices is low-hanging fruit to a hacker.

**Action Item:** Enable multi-factor authentication wherever possible.

Multi-factor authentication (MFA), aka two-factor authentication, aims to prevent someone who has acquired your password from logging into the associated website. Your ATM card and PIN are an example of MFA. It combines something that only you have — your card — with something only you know — your PIN.

Likewise, MFA for internet sites and services combines your password with a number generated by a physical device — your phone in most cases. When logging in from a new computer, you will be required to refer to an authentication app on your phone and enter a number from it after successfully entering your username and password. Start by enabling MFA on your email and bank account, and keep your eyes open for other services you may be using that offer it.

These security action items are crucial to protecting the future of your firm. If you are lacking in any of these areas, take these actions today. Your clients would assume you are already doing so.

## SECURITY ACTION ITEMS

- Use a password manager
- Change the default passwords on your devices
- Enable multi-factor authentication wherever possible

## ADDITIONAL READING

*Using Double Authentication for Website Security:*

[blfmag.com/mfa-how-to](http://blfmag.com/mfa-how-to)

*How to Keep Data Secure on Devices that Leave the Office:*

[blfmag.com/keep-data-secure](http://blfmag.com/keep-data-secure)

*Cybersecurity Review 2016: Elections, Ransom, Botnets & Lessons Learned:*

[blfmag.com/security-review-2016](http://blfmag.com/security-review-2016)

*A Primer on Data Security: Online, On Your Server and in Your Office:*

[blfmag.com/office-security-primer](http://blfmag.com/office-security-primer)



## 2 PRODUCTIVITY AND COMMUNICATION

You work hard, and you know how to make good use of your time. But improvement is always possible. The right software can help you get more done in less time.

**Action Item:** Consider team collaboration software to enhance communication.

The people at your firm probably send a lot of internal emails. Email threads may routinely become very lengthy and touch on various topics, which makes it difficult to later locate the information you need.

Collaborative software is a tool for communication among team members that obviates the majority of internal email. It categorizes communication neatly into channels that pertain only to a single client or matter. Messages, files, and links all reside permanently in their associated channel, which is organized chronologically and searchable.

Clients can also take part. Many collaborative software suites allow you to invite third parties to securely view one or more channels. In such cases, you might have one channel for internal communication and another for client communication so that clients are not bothered with mundane details. Attorneys and staff could view both channels, allowing clients to contact them directly and to feel they are really part of your team. Using such software instead of phone calls and emails can earn you major points with tech-savvy clients.

The most popular collaborative software today is Slack, which offers a free trial.

**Action Item:** Look into practice management software.

Law practice management software combines a number of vital functions into one software suite. These functions include case management, timetracking, document creation, and contact and

calendar management. Some also provide “client portals,” which are secure websites where attorneys can communicate and share documents with clients.

Many leading practice management suites are entirely cloud-based, which has many advantages over traditional desktop software. It is always up to date, it is secure, its data is always backed up, and it is accessible from anywhere, including from a mobile phone in most cases.

Leading practice management suites include Rocket Matter and Clio.

## 3 MARKETING

Unless you are lucky enough to have clients spreading the news of your good service at every opportunity, you need to market your firm.

**Action Item:** Claim and enhance your firm’s Google listing.

Unless your firm is brand new, Google probably already has a listing for it in search results and maps. But you can and should claim that listing and verify and expand upon the information in it. Go to [google.com/business](http://google.com/business) and simply follow the instructions.

Your address and phone number are obviously important, but also add photographs and hours of operation. These details might not seem crucial, but they demonstrate to tech-savvy consumers that you do not neglect your online presence. The default photo is likely a view of your building from the street. Replace it with your logo or, if you do not have one, a combination of your firm name and headshot. If you have good quality

photographs of your attorneys, offices and building, add those to your listing. If not, consider hiring a photographer. Try to include more than a few photographs, but do not go overboard: each picture should be informative to the visitor and should not be redundant.

After you finish with Google, check your listing on Bing Places ([bingplaces.com](http://bingplaces.com)) and Apple Maps ([mapsconnect.apple.com](http://mapsconnect.apple.com)). These services are less popular than Google Maps, but at the very least, you should verify that they are aware of your firm and have a link to your website and your phone number.

**Action Item:** Conduct an SEO audit.

A search engine optimization (SEO) audit is a periodic checkup of your website’s SEO health. How does it rank on key search terms? How good is the quality of links to your site? How do you compare with your competitors?

Unless you are well-versed in SEO, this is best accomplished with the help of an expert. Free online tools can generate a great deal of data, but sifting through that data for key insights is where expert advice is indispensable. If you already work with an SEO company, speak with them about an annual audit process. And if you do not, then an audit is a great way to begin a relationship with one and get a feel for what they can do.

With these action items and just a little of your valuable time, your data will be more secure and your efficiency and outreach will improve. Best of all, you will stand out to the tech-savvy clients who want to engage with attorneys who understand the promise of technology and how to capitalize on it.

- Ryan Conley

## ADDITIONAL READING

*Less Email, More Communication:* [blfmag.com/more-communication](http://blfmag.com/more-communication)

*How Does Practice Management Software Fit Into the Business of Running a Law Firm?* [blfmag.com/legal-practice-management](http://blfmag.com/legal-practice-management)

*Technical SEO Audits Demystified:* [blfmag.com/SEO-audits-legal](http://blfmag.com/SEO-audits-legal)



# THE SCIENCE OF



# DECISION MAKING

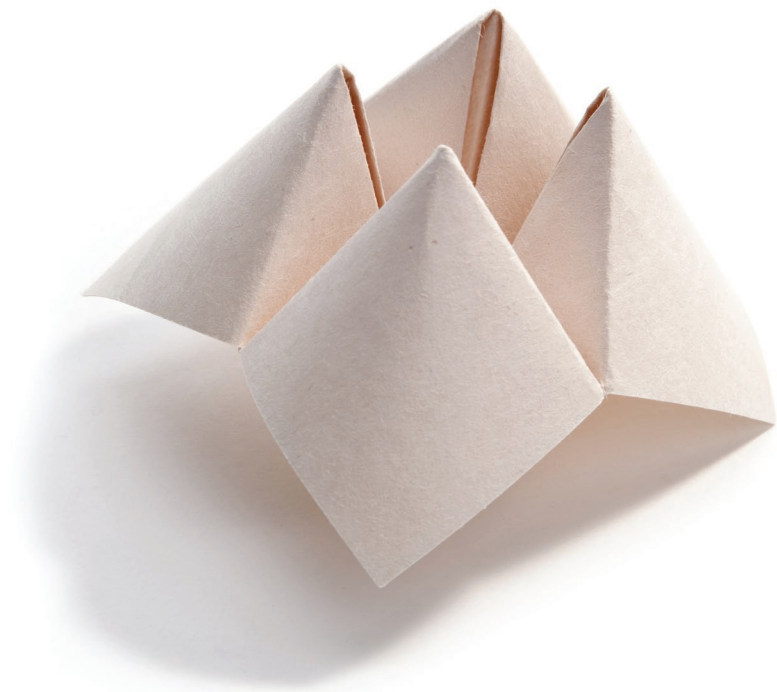
## HUMANS VS. ECONS

Economists are fond of a mythical creature known as *homo economicus*, or “economic man.” John Stuart Mill described it as, “a being who desires to possess wealth, and who is capable of judging the comparative efficacy of means for obtaining that end.” Mathematical models of human behavior have been constructed based on the behavior of this ultra-logical version of *homo sapiens*. But rational, self-interested “econs” behave very differently from ordinary humans making real decisions.

When faced with important choices affecting their interests, econs will conduct relevant research and engage in a cost-benefit analysis before choosing the option with the greatest probability of delivering the desired level of value. But econs exist only in theory, and while humans can make rational decisions, their choices are usually more complicated. Effective marketing needs to appeal to logical decision makers, but also to real people who are influenced by emotions, peer pressure and cognitive biases.

Effective legal marketing depends on understanding how and why people make choices, but many common assumptions about this process are incorrect. To build a powerful marketing strategy, learn the science of decision making.





## SYSTEM 1 AND SYSTEM 2

In his book “Thinking, Fast and Slow,” Daniel Kahneman summarizes his lifelong research into the science of decision making and behavioral economics, for which he won the Nobel Prize in economics in 2002. Kahneman’s work shows that humans use two different decision making processes, which he calls System 1 and System 2.

System 1 thinking is fast, emotional and automatic, while System 2 is slow, rational and deliberative. Human beings are capable of both, but System 1 thinking happens whether we like it or not, and System 2 thinking takes conscious effort. System 1 is operating when we have thoughts like “she looks like a trustworthy person” or when we have an immediate flash of annoyance at a pop-up ad. We employ System 2 when we weigh the pros and cons of a decision, or compare options according to a checklist of important factors.

Crucially, System 2 thinking is hard, so we do not do it as often as we should, even for major decisions. Kahneman describes a conversation he had with a financial executive who had decided to invest tens of millions of dollars in

Ford Motor Company after visiting a trade show where he was impressed by the cars. When asked about his decision making process, the executive explained that his gut feeling told him that Ford made great cars. Kahneman notes that even this experienced professional had apparently given no consideration to the one question that matters, which is whether the stock is currently undervalued.

The investor did what everyone does sometimes, when faced with a difficult question: he answered an easy question instead. Kahneman refers to this as substitution. “If a satisfactory answer to a hard question is not found quickly, System 1 will find a related question that is easier and will answer it.” This can be an effective strategy for quick decision making, but it can also lead to significant errors.

For certain major decisions, such as about legal and financial matters, there is no question that we would be better served by firing up System 2 and channeling our inner econ, but the simple fact is that we often fail to do so.

System 1 is operating when we have thoughts like “she looks like a trustworthy person” or when we have an immediate flash of annoyance at a pop-up ad. We employ System 2 when we weigh the pros and cons of a decision, or compare options according to a checklist of important factors.

## VISUAL IMPRESSIONS

It is no secret that our attitudes about others are often influenced by what they look like, but the influence may not be what you would expect. And even when we think we are making rational, deliberative decisions, we may in fact be responding to visual impressions.

Alexander Todorov, a Princeton psychologist, conducted a study in which he showed participants photographs of two people and asked them one simple question: who looks more competent? The test subjects were not aware that they were looking at real candidates in previous campaigns for the U.S. House and Senate.

Strikingly, participants' snap judgments about who looked more competent predicted the actual winner between 66 and 73 percent of the time, even when they looked at the photographs for as little as one second. In a similar study, researchers showed candidates' faces to children in a game asking them to choose a captain for a sea voyage. The children's choices corresponded to the winner of the actual election 71 percent of the time.

Stephen Ceci, a Cornell psychology professor, conducted an experiment using the school's system of student ratings. After taking a teaching skills workshop, Ceci decided to teach a course on developmental psychology which he had taught for 20 years, while changing his presentation to a more enthusiastic style of teaching, in which he gestured more and modulated his voice. He carefully ensured that the lecture content, textbook and student demographics stayed exactly the same.

The result was that students who got the enthusiastic presentation gave much higher ratings, not only on the professor's knowledge and how much



the students learned, but on factors that clearly did not change, such as the quality of the textbook and teaching aids.

In another study, researchers found that students could predict the ratings professors would receive at the end of the semester, just by viewing a silent video clip of their class that lasted for as little as ten seconds.

These studies illustrate compelling facts about human decision making. Our System 1 thinking makes automatic snap judgments based on visual information, and we are not always aware of the reasons for our own decisions. After all, the students would not have admitted – or even known – that they rated their textbook better because their professor gestured a lot.

System 1 thinking can be overruled by System 2, but it takes effort. In the experiment with politicians' photos, when participants were asked to slow down and really think about their choices, their responses had less correspondence to the actual outcomes.

## HEURISTICS

Substituting an easy question for a difficult one is just one of many

Humans employ mental shortcuts on a daily basis. There is not enough time to research every decision thoroughly, so we use rules of thumb, educated guesses and gut feelings.

heuristics, or mental shortcuts, that we all employ on a daily basis. There is not enough time to research every decision thoroughly, so we use rules of thumb, educated guesses, and gut feelings. Heuristics do not always give accurate results, but they give us something to go on and make decisions easier. Understanding common heuristics can help you design effective legal marketing materials.

Social proof is a widespread heuristic in which people look to others for clues about what choices they should make. Research has shown that people are strongly influenced by what other people say, even when it comes to objective observations. Subjects in an experiment were briefly shown a photo of an individual and then asked to pick the same person out of a lineup. When three other participants — who were actually working with the researchers — gave the same wrong answer, the subjects tended to override their own judgment and conform their answer to what the others said.

Social proof has obvious applications in marketing: people use online reviews, website comments, and number of social media followers as a quick and easy indication of how competent and trustworthy an attorney or firm may be.



The availability heuristic is another psychological phenomenon that has clear implications for marketing. Simply put, an option that is easily recalled is judged to be more important. This principle underlies the strategy of brand saturation that is employed by so many advertisers. You cannot think about brands of laundry detergent without thinking about Tide, so if called upon to choose the best laundry detergent, you would make a list of options, and Tide would be on that list.

Some law firms do aim for actual brand saturation in certain markets, but more often, prospective clients will not have a firm name in mind before they start searching. Taking advantage of the availability heuristic in this case simply means making sure that your firm appears in any list of options that the client creates. Increasingly, that list will be created automatically by an online search engine, with Google being the most prominent. Making your firm available in this situation means investing in effective search engine optimization methods to improve the quality of your website and move up in search engine results. Google is the biggest player, but some potential clients will use another search engine or perform their search on sites like Facebook, Yelp or Avvo. Your firm needs to make itself available for these searchers.

## MARKETING FOR HUMANS

We can apply the psychology of decision making to legal marketing by recognizing that people choosing an attorney or law firm go through complex thought processes.

Importantly, while first impressions are strong and automatic, people can also employ heuristics, and sometimes make the effort to engage in deliberative decision making. Thus, marketing

materials must be visually appealing, giving a positive first impression that conveys competence and care, and they must also be useful and informative, giving detailed answers to prospective clients who are taking the time to ask all the right questions.

In a competitive arena where an increasing number of potential clients are searching for an attorney online, your firm's website must give the right initial impact. A modern, mobile-friendly website is indispensable. Your design team must consider practical matters such as ease of use as well as intangible factors like the emotional impact of photographs and the feeling that certain colors, fonts and other design choices convey. Always think in terms of what a user of your website will see at first glance, and what impression they will get from this glimpse of your firm.

Beyond the initial visual impression, your firm should have easily accessible content that satisfies users who are consciously or unconsciously making use of heuristics such as social proof. Some users will just glance at your firm's star rating on Google's reviews, while others will take the time to read through multiple reviews and testimonials. Some users will briefly glimpse at a few badges indicating memberships or certifications on your firm's website, and get a subconscious impression of authority and competence. Others will take the time to investigate what these certifications mean, and compare which firms and attorneys have them.

Finally, some people looking for an attorney will actually slow down and use their System 2 thinking to try to make the best choice possible. Legal matters can and should trigger the "I need to stop and think about this" mode of decision making. For these users, a good-looking website with all

**Marketing materials must be visually appealing, giving a first impression that conveys competence, and they must also be useful and informative, giving detailed answers to prospective clients who are taking the time to ask all the right questions.**

the right signals will not be enough. Some prospective clients will be thinking deeply about their own legal situation and educating themselves about their options. However, the psychology of decision making still comes into play. Your firm makes itself available to these users by providing the most detailed answers online for a particular legal issue, by answering frequently asked questions, publishing long-form content, utilizing infographics and other similar content. The mental shortcut of "the firm that had the best answers to my questions would probably represent me well" can work to your advantage.

The perfectly rational decision maker exists only in textbooks. Human beings are complex thinkers, and effective marketing must consider their snap judgments as well as their considered choices.



- Brendan Conley



# NEGATIVE REVIEWS

## HOW SHOULD YOU RESPOND PUBLICLY TO UNHAPPY CLIENTS?

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Among the most significant elements of an attorney's marketing strategy are client reviews. Research has shown that reviews may have a considerable effect on attorneys' rankings in search results. Studies have revealed that 84 percent of consumers trust an online review as much as a referral from someone they know and 88 percent of consumers use reviews as a determining factor when deciding whether to purchase a product or service.

### NOT ALL REVIEWS ARE POSITIVE

Attorneys must be able to effectively handle negative reviews, a tactic that can work to your advantage provided you know how to respond. Here are some of the most effective ways to react to negative reviews.

#### **Retain a positive outlook**

While an attorney's initial reaction may be to become upset, that does not justify launching an online attack

on the reviewer. Instead, remain calm, composed and positive. Inform the client that you have heard their concerns, and do not assign blame. Refrain from causing the client to feel like a victim.

Additionally, it may not be in your best interest to disregard the review, depending on whether it is a legitimate one; understanding why a client reviewed you negatively can help you improve your client service and referral business. Anyone reading the review would prefer that you reply rather than just ignore the issue. A positive response will reveal that your firm cares about its clients.

#### **Provide a solution**

Merely offering an apology to your client will not be sufficient to appease their concerns. A client will desire a solution to their problem. During your response to a negative review or comment, inform the client as to how you will resolve the issue.



### **Repeat the policies of your firm**

While you may think that a negative review will cause your firm to develop a bad reputation, this can only happen if you ignore the review. But when you respond to a negative review, this is your opportunity to turn a negative into a positive. Use the negative review as an opportunity to highlight your firm's favorable qualities.

### **Have an offline conversation**

Upon receipt of a negative review, it is recommended that you provide an immediate response using the same platform. This will appease the original reviewer, and because it is a public arena, all of your potential clients will be able to view your response.

However, there are some problems that cannot be dealt with online. Such issues include those concerning a client's personal information. Conversations about such issues should take place in person or via telephone. When handling these kinds of negative reviews, offer a way for your client to contact you directly.

Engaging in an offline conversation indicates that your firm is willing to go to great lengths to resolve any client complaints or issues. However, it is best to use this method only for the most serious cases.

If your law firm has a customer service line, you can use it as a means by which to incorporate an offline conversation. When responding to the client, provide them with the extension to your client service department to resolve any problems that cannot be handled online.

### **View the client as an actual person**

It can be very frustrating to call a client service line, only to hear the sound of an automated voice. The use of plain language in communication with the client will enable you to come across as more sincere. And in all likelihood, your clients will also view you as human, and not merely as a law firm.

## **VERIFIED CLIENT REVIEWS**

Prior to using a new product or service, many consumers go online to peruse the reviews in order to discover the kinds of experiences other clients have had with the attorney. Such reviews can improve your online reputation, increase your visibility, and enable you to become an authority figure in your practice areas.

### **What is a verified client review?**

A verified client review is a review a customer can leave upon purchasing a product or service from a company's website. It is different from the usual Google review in that in order to leave one, a client is required to buy

the product or service online. Thus, the firm that is the subject of the review must have an online store.

This is a more reliable way in which to receive authentic reviews. Upon making an online purchase, the client will be sent an email with a link requesting that they leave a review. If they have not purchased your legal services online, they will not receive an email and, therefore, they will be unable to provide any feedback.

### **Determine whether the review is legitimate**

What if your clients do not generally purchase your legal services online? When you view a negative review online, your initial reaction may be to become defensive. Refrain from responding until you have assessed the situation.

Your initial action should be to perform an analysis of the negative review to decide whether it is inappropriate or in breach of the terms of service of the site. Start by verifying that it is really a legitimate negative review. Determine whether the individual who posted the review was really your client. Perhaps the person mistook you for another attorney with the same or similar name. If the review was not intended for you, then you may have grounds to contest or report the review.

## WHAT YOU CAN DO

A negative review does not have to have a negative outcome if you follow these tips.

### BE POSITIVE

Do not launch an attack; remain calm, composed and positive. Inform the client that you have heard their concerns, and do not assign blame. Try using the negative review as an opportunity to highlight your firm's favorable qualities.

### OFFER A SOLUTION

After offering an apology, tell the client you will address the issue. If you cannot comment specifically about the matter online, at least indicate in the comment that you will provide a solution.

### TAKE IT OFFLINE

Offer an immediate response online, but proceed offline for sensitive issues. Engaging in an offline conversation indicates that your firm is willing to go to great lengths to resolve any client complaints or issues. However, it is best to use this method only for the most serious cases.

### VIEW THE REVIEWER AS AN ACTUAL PERSON

Use plain language, communicate openly and be sincere. It is much easier to de-escalate a negative situation when treating the client with empathy rather than anger. It is likely that the reviewer will reply in kind.

### LinkedIn and Avvo

Some online resources grant you permission to control the way in which a reviewer's comments may be seen by others, or how you may report a review or comment that you suspect is false. There are two online portals that provide different choices for a user. They are LinkedIn and Avvo.

LinkedIn allows its users to have more control in that it permits you to:

- Respond
- Uncheck a review to eliminate it from your profile
- Transfer reviews up or down in order
- Request modifications from the reviewer

Avvo provides its users with less control in that it only permits you to:

- Respond
- Flag a comment to start a "dispute process" for review

## DECIDE WHETHER TO RESPOND

Your next step is to decide whether it is in your best interest to respond to the negative review. If you choose to respond, you will be providing a brief look into your disposition and professionalism to potential future clients who may be reading the review. However, if the negative review appears to be absurd or illogical, it may be better for you and your firm to refrain from attracting more attention to it by issuing a response.

One factor to consider when making this decision is the impact it can have not only on your reputation but also on your local SEO. Google has stated its preferences for how businesses should handle reviews. In its Google My Business help article

titled "Improve your local ranking on Google," Google states:

*"Manage and respond to reviews: Interact with customers by responding to reviews that they leave about your business. Responding to reviews shows that you value your customers and the feedback that they leave about your business."*

Google has admitted that both the number of reviews a business receives and whether that business responds to reviews are both ranking factors. Engagement with your clients, especially within your Google reviews, can enhance your firm's reputation with clients and help with your SEO efforts.

### Request an update

If you have provided a response to your client's review, and resolved their issue, request an update to their prior review. Frequently, clients will independently delete or update their negative review. Upon resolving the client's issue, ask them in a polite manner to update their online review.

You may have difficulty thinking of a pleasant way in which to ask for a positive review. Upon your follow-up with the client, tell them you would be appreciative of their feedback, and would like other clients to be aware of how you resolved their problem. Then, ask them if they would mind providing an update to their review to indicate this. Regardless of whether they post an updated review, make certain to thank them for their comments.

Although you may have an outstanding your law firm, it is impossible to please everyone. A few negative reviews will not ruin your firm. Use the negative reviews to highlight your firm's excellent client service. As you work to resolve any problems your clients have, you will find that you have an improved relationship with your client base.

- Roxanne Minott





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# Efficiency. Customized.

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Smokeball practice management software is designed with small law firms in mind.

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Legal practice management software Smokeball is designed with small law firms in mind, where attorneys might have to juggle multiple responsibilities regardless of their position in the firm.

Smokeball, founded in 2010 and headquartered in Chicago, attempts to increase productivity and ease workload for small law firms that may have limited resources.

## Email management

Effective communication between attorney and client is key to the success of any firm. With Smokeball, all emails pertaining to a specific case are housed in a “centralized area, known as the Digital File.” The Digital File lets everyone working on the case see emails, saving you time by not having to forward or cc emails.

Smokeball’s email management system is integrated with Microsoft Outlook and Word. This allows Smokeball to convert documents into PDFs before sending them as attachments. Furthermore, Smokeball can merge multiple documents into one PDF.

## How Smokeball helps productivity

The primary purpose of subscribing to practice management software is to increase productivity. Smokeball, as a cloud-based program, which also has a mobile app, allows you to work from anywhere. The software can be accessed from outside the office on your tablet or phone.

Smokeball has over 12,000 county, state and federal legal forms in its library available for download. As there are many different practice areas, different kinds of forms will correspond to each one. To further increase productivity, Smokeball can populate your legal forms with your client’s details for you. This automation will dissolve the tedious task of having to manually input information into every form.

## Activity Intelligence

As with any size company, productivity is not the only crucial factor. A successful firm will also have to be profitable. One of Smokeball’s features, the Activity Intelligence (AI), is designed to track your firm’s productivity and profitability.

Smokeball's AI will compile all activities performed by your law firm into data that can be made into reports. These reports can show employee performance and how much time is spent on a specific case. You can then cross-reference your billing rate and see if a case will be profitable.

In conjunction with Smokeball's AI is a feature called AutoTime, which will automatically keep track of the amount of time you and your firm spend on a particular case. AutoTime will also create a timesheet for every employee. Embedded within AutoTime is Performance Profitability Tracking, which will keep a record of profitability for every employee, client and practice area. This gives Smokeball an unprecedented ability to forecast insight of your firm and its inner-workings.

### How is Smokeball customizable to your needs?

Small law firms generally provide services in one or two niche areas. Smokeball understands this and makes it possible for your firm to personalize your software to fit your practice.

Smokeball provides customization for:

- Personal Injury
- Real Estate Law
- Estate Planning
- Family Law
- Business Law
- Intellectual Property Law
- Criminal Law
- Civil Litigation

For example, if your firm primarily provides personal injury services, Smokeball can keep track of your client's medical invoices, wage and earning losses, and even forecast how much you will receive in your settlement. For someone in the criminal law field, Smokeball can keep track of police reports, plea offers and court deadlines.

Staff	Time Spent	Staff Cost
Attorney One	30.63hrs	\$2,356.32
Attorney Two	2.97hrs	\$114.10
Attorney Three	2.87hrs	\$102.88
Attorney Four	1.22hrs	\$31.20
Attorney Five	0.87hrs	\$35.55
Attorney Six	2.40hrs	\$184.61

*Smokeball automatically tracks time and cost for each attorney*

This personalization makes running a law practice more efficient and allows you to do your due diligence smoothly.

### What is involved in setting up Smokeball?

To begin the process of setting up Smokeball, you will first need to create an account and have a consultation call in order to better personalize your software. A representative will try to get an understanding of your firm's culture to tailor the training process.

A Smokeball employee will guide you along the installation process, or set it up for you remotely, whichever you prefer. After Smokeball is installed, two onboarding training sessions will teach you how to use the basic and advanced features of the software.

### What are customers saying about Smokeball?

Clients of Smokeball have said that they appreciate its seamless integration with Outlook and Word. Having every document and email in one place makes workflow more efficient. The ability to automate documents allows clients to save a great deal of time. Customer service is also highlighted as a plus.

Criticism of Smokeball centers on the occasional glitches that cause a document not to open or sync. Additionally, case process workflow is not available. Smokeball's invoice and billing functionality is lacking. The connection with Boost Billing is not optimal and no integration with Quickbooks may make accounting difficult. Clients have also noted that the software is very resource-heavy.

Smokeball is protected by a 128-bit SSL and is stored on Amazon's S3 server. Smokeball costs \$139 per user per month on top of a one-time onboarding fee of \$300 per user, where a client-training specialist will teach you how to use the software. The software currently supports Windows for desktop and iOS/Android for mobile.

Smokeball offers a free certification program designed to help users improve at utilizing Smokeball and Microsoft Office Suite. The program also tries to educate users on apps that promote productivity and organization. The certification program consists of ten quizzes, and upon completion you will receive a digital certification and a badge that can be placed in your LinkedIn profile.

- Dexter Tam



# BEST PODCASTS FOR LAWYERS

## WHAT TO LISTEN TO IN 2017



Podcasting has not always been the communication tool of choice for attorneys but the last decade has seen some truly groundbreaking series that prove podcasting can be a useful medium.

Podcasts for lawyers, while not a new idea, seem to be coming back into vogue. Some of the longest running podcasts, launched in 2004 and shortly thereafter, remain go-to staples for curious attorneys. Podcasting is a way to stay up-to-date, which can help attorneys stay current with developments in the law. This is critical to professional development.

Rule 1.1 of the ABA's model rules of professional conduct states, "a lawyer shall provide competent representation to a client." In order to provide competent representation to a client, attorneys are told, in Comment 8, that, "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice."

### Where to find legal podcasts

Legal Talk Network (LTN) offers some terrific listening for a lawyer who needs to learn on the go, whether at work, on a commute or when relaxing. Legal Talk Network showcases podcasts that delve into the latest developments in various legal niches at <https://legaltalknetwork.com/>

Not sure what kinds of podcasts may be appealing? Check out the iTunes store and perform a search for lawyer, legal, law and then browse and choose podcasts that relate to a topic of interest. It is easy to get hooked on podcasts, and the upside is learning a lot in small, easily digestible doses without having to wade through a lengthy article. Listen long enough and you may even start thinking about creating your own podcast.

In addition to podcasts covering the workings of the law, there are a number of shows that offer stories analyzing current events, ranging from discussion of key Supreme Court cases with Radiolab Presents: More Perfect to a biweekly investigative report series on the law in The Life of the Law. The choices are virtually unlimited, and they can be played on demand to fit into a busy attorney's life.



## Top 10 podcasts picks

*We have reviewed 10 podcasts and lent an ear to numerous others in our quest to bring you these choices.*

**1. I Am the Law:** Am the Law (IATL) draws listeners in and makes them feel like a part of the dialogue. IATL is produced by Law School Transparency with the aim of using real-life stories to illustrate what practicing law is really like.

I Am the Law is relevant to law school students and recent graduates as well as practicing attorneys. One of the best aspects of this podcast is the personal stories told by the attorneys who are the subject of the interviews, some of whom have made it to the top of their firms from entry-level positions. Any attorney can benefit from hearing stories of how others have managed to build successful careers.

[www.lstradio.com/iatl](http://www.lstradio.com/iatl)

**2. Opening Arguments:** Opening Arguments bills itself as the “podcast that helps you make sense of the news.” It covers diverse topics ranging from revenge porn to what you can and cannot dispute in a written contract. Broadcasters Andrew Torrez and Thomas Smith add a nice touch of humour as they dissect popular legal topics, including emoluments, cybersecurity and privacy, and freedom of speech and religion.

[www.openargs.com](http://www.openargs.com)

**3. This Week in Law:** This Week in the Law (TWiT) is hosted by Denise Howell, an attorney and legal blogger, J. Michael Keyes and Matt Curtis. This Week in Law is an outstanding weekly podcast filled with the bizarre to mundane stories in the technology law space. From Emoji law to monkey selfies it is a well-run, fast paced podcast filled with information. This Week in Law was founded in 2011, and it is still going strong.

[www.twit.tv/shows/this-week-in-law](http://www.twit.tv/shows/this-week-in-law)

**4. Legal Current:** Legal Current is ideal for attorneys interested in podcasts relating to the business and corporate law. Recent topics include video game law, short sellers and the SEC, Brexit trademark issues, and marketing to millennials. Legal Current is a podcast brought to listeners by Thomson Reuters.

[www.legalcurrent.com/podcasts](http://www.legalcurrent.com/podcasts)

**5. The Legal Toolkit:** The Legal Toolkit is a comprehensive resource for lawyers, with topics that focus primarily on practice management and marketing. Hosts Heidi Alexander and Jared Correia interview attorneys and legal scholars with the goal of starting a conversation about how lawyers can use new ideas to improve their practices. With specific topics like client intake tips to broad subjects like law school innovations, The Legal Toolkit is a good resource for attorneys who want to know where the legal profession is heading.

[www.legaltalknetwork.com/podcasts/legal-toolkit](http://www.legaltalknetwork.com/podcasts/legal-toolkit)

**6. Lawyer 2 Lawyer:** Lawyer 2 Lawyer was launched in 2005 and is one of the web’s longest running podcasts. Lawyer 2 Lawyer brings attorneys and industry professionals on to discuss current events and recent court rulings. The show discusses everything from the legal rights of animals to the reasons behind Bill Cosby’s mistrial to the Paris Agreement. The hosts have also looked Inside the former FBI Director James Comey’s firing and the Russia probe. The topics, hosts and guests make the show riveting and informative.

[www.legaltalknetwork.com/podcasts/lawyer-2-lawyer/](http://www.legaltalknetwork.com/podcasts/lawyer-2-lawyer/)

**7. New Solo:** As its name implies, New Solo is targeted at solo practitioners and those hoping to go solo. The podcast covers diverse topics, from transitioning to a solo practice to networking and

legal technology, with the goal of answering questions that can arise at any stage in a solo career. The show provides a good space to learn about best practices for solo practitioners.

[www.legaltalknetwork.com/podcasts/new-solo/](http://www.legaltalknetwork.com/podcasts/new-solo/)

**8. Life of the Law:** Life of the Law looks at the law from a lay perspective, taking a journalism approach to investigate ways the law affects ordinary people. This is an interesting podcast featuring a top notch team of scholars, investigative journalists, editors and audio producers discussing how the law affects everyday lives. Expect to find hot topics, including prison reform, elections and bioethics. While Life of the Law is more of a news podcast than a legal resource, it hits upon many topics relevant to those shaping and defending laws.

[www.lifeofthelaw.org](http://www.lifeofthelaw.org)

**9. Bloomberg Law:** Bloomberg Law is a hard hitting, leading edge podcast that often publishes new material multiple times a day. It features prominent lawyers and legal scholars dissecting significant legal issues featured in the news ranging from criminal law to securities law, and from intellectual property to bankruptcy. Check in frequently. There is a lot going on with this podcast offering.

[www.bloomberg.com/podcasts/law](http://www.bloomberg.com/podcasts/law)

**10. Thinking Like A Lawyer:** Thinking Like a Lawyer is a podcast with an interesting twist. Rather than discussing a specific legal issue, each week Above the Law’s Elie Mystal and Joe Patrice pick and cover a topic that everyone, not just lawyers, can experience. Then the hosts present a fresh point-of-view on the topic through a legal framework.

[www.legaltalknetwork.com/podcasts/thinking-like-a-lawyer](http://www.legaltalknetwork.com/podcasts/thinking-like-a-lawyer)

- Kerrie Spencer



## Facebook challenges gag order on free speech grounds

A District of Columbia Superior Court judge has delivered Facebook warrants seeking “all contents of communications, identifying information, and other records” for three accounts. The warrants were accompanied by an NDO (non-disclosure order), preventing Facebook from disclosing the existence of the warrants before producing the documents and information requested. Facebook is gearing up for a potentially significant legal battle by refusing the warrants and challenging the gag order.

### Users are their own best advocates

Specifics about the individuals in question are not known, but according to reports from BuzzFeed and recent court filings, the subjects could be involved with the mass arrests in Washington D.C. during President Trump’s inauguration.

In unsealed documents from Facebook, the tech company said the investigation and the information being sought is “public.” Additionally, since the case deals with potential felony charges, it does not require the same secrecy as when dealing with national security matters.

Facebook also took issue with possible infringement of its users’ First Amendment rights to anonymous, political discourse online. Facebook moved to vacate the NDO

because it believes it “did not withstand strict scrutiny under the First Amendment.”

“As a general rule, the Government may not forbid people or businesses from discussing an investigation,” says Matt C. Pinsker, attorney and adjunct professor at Virginia Commonwealth University.

Pinsker sees the situation with Facebook as closely resembling the case of *Doe v. Gonzales*, in which a group of librarians challenged Section 2709 of the USA PATRIOT Act after having received National Security Letters (NSLs) demanding library patron information. Section 2709 imposed a gag order, preventing Doe and other plaintiffs from telling anyone they had received a letter and from serving as witnesses.

“Here, you run into that same issue where a business is having its First Amendment right trampled, in that it is limited in about talking about an investigation,” said Pinsker. The circumstances in which a gag order can be imposed need to be “narrowly drawn and serve a very compelling government interest.”

Facebook challenged the order in the DC Superior Court and lost. It continued the fight in the DC Court of Appeals.

A three-judge panel allowed an unsealed version of the notice to be shared to anyone Facebook or the government felt could weigh in on the matter.

Briefs in support of Facebook were due by June 30, and those supporting the government’s position were due by July 31. A court date has tentatively been set for September, with no day specified.

Support for Facebook has been strong. The first supporting brief was written in collaboration with some of the biggest names in the tech industry: Microsoft, Apple, Google, Dropbox, Twitter, Yelp, Snap and Avvo. The American Civil Liberties Union, Electronic Frontier Foundation (EFF), Center for Democracy & Technology and several other privacy and liberty organizations also added their voices against the overreaching NDOs.

#### Reading between the lines

The actual number of NSLs sent by the government is not entirely known. According to a Department of Justice report to Congress, over 9,000 NSLs were issued for information on U.S. persons just for 2005.

Tech companies and service providers are likely receiving the bulk of these requests, since they exist to collect data voluntarily and involuntarily on millions of people. To build trust with their users, the companies want to be as transparent as possible regarding their practices.

But when it comes to the NSL, companies are legally prohibited from telling their users that the government has requested information on them, unless they take the issue through appeals like Facebook is doing now.

It is not prohibited to say when you have not received a request to hand over user information.

“Warrant canaries” are becoming increasingly common among companies that are frequent recipients of NSLs. The name comes from canary birds that were brought down into mines to indicate conditions were safe, by not dying by asphyxiation.

Companies are setting up transparency report pages on which they can legally say they have not received a NSL within a specific window of time. Should that message ever go away, there is a good chance that the company has been the target of an NSL.

After Reddit took down its warrant canary in 2016, awareness for the practice has increased, and its use is still strong. Pinterest, for example, carefully logs and outlines all requests they are legally allowed to detail. The law states they can share the number in bands of 250, starting at zero.

According to the EFF’s “Who Has Your Back?” 2017 report, internet services providers (or ISPs) were scored as some of the worst defenders of NSLs. AT&T, Verizon, Comcast and T-Mobile are receivers of a huge number of NSLs, but have a near non-existent record of challenging them in courts.

#### Today’s NSL legality: constitutional

After non-disclosure portions of the NSL were declared unconstitutional in 2013, the Department of Justice and Congress worked to tweak the process. In the period of four years, they added two provisions: review the NDO after three

years and cancel the order once the investigation is over.

These revisions were enough to convince the 9th US Circuit Court of Appeals that the non-disclosure aspects of the NSLs no longer infringe the First Amendment rights of the companies or individuals under investigation.

**FACEBOOK HAS THE BANKROLL AND MANPOWER NEEDED TO CHALLENGE A NATIONAL SECURITY LETTER FROM THE U.S. GOVERNMENT, BUT ITS CHANCES OF SUCCESS ON APPEAL LOOK BLEAK.**

Paul Saputo, senior defense attorney at the Saputo Law Firm, sees this verdict as an outsourcing of our constitutional rights to the private sector.

“Simply by cobbling together a few standard-form sentences on a piece of paper, the FBI can entirely bypass the oversight of the judiciary, so long as the companies don’t fight back. And why would they?”

The 9th Circuit ruling comes weeks after Facebook challenged the gag order in federal appeals court. Facebook has not published any more information relating to the upcoming September trial, but Saputo predicts the court deciding Facebook’s case will almost certainly look to the Ninth Circuit ruling for guidance.

The investigative arms of the U.S. government have acquired a new weapon. When wielded by the FBI or the NSA, this weapon grants the power to demand any information on persons of interest.

- Justin Torres



A photograph of two men in business suits standing on a rooftop. The man on the left is wearing a grey suit and a blue tie, holding a silver laptop. The man on the right is wearing a dark pinstripe suit and a light blue tie, holding a yellow folder. They are both smiling and looking towards the right. In the background is a brick building with many windows.

# Are you competing against your marketing company?

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