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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

Volume 58, Issue 3, April 2017

Working for the Profession and the Public



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From the President

Five Growing Areas of Law Practice



Jennifer
Mock

Many new lawyers enter the job market with little or no idea as to which area of law practice they will spend their careers. Others who think they know will change their minds early on and decide to take on something new. And then there are those who, after a few years in the profession, find it's in the best interest of their careers to expand their horizons and add a practice area to their repertoires.

If you fall into any of those categories, you might be interested to know which practice areas are—in the spirit of this edition's theme of "growing"—in high demand these days, thriving in the current economic conditions and expected to keep growing in the years ahead. Here are five of the law practice areas (all supported by strong YLD committees and/or State Bar sections) that meet those criteria:

1 Elder Law

According to the latest available U.S. census data, the percentage of Georgia residents age 65 and older grew from 10.7 percent in 2010 to 12.8 percent in 2015. As more members of the Baby Boomer generation reach retirement age, the shift to an older and longer-living population will only continue, as will the need for attorneys providing estate planning, long-term care, guardianship and other elder law services. YLD members considering the practice of elder law should also get involved in our Estate & Elder Law Committee, which oversees a Wills Clinic, a pro bono service project where attorney volunteers assist first responders with preparing basic estate planning documents.

2 Civil Litigation

The increase in civil lawsuits filed in state and federal courts over the past several years is widely attributed to the national economic downturn at the end of the previous decade. "The recent uptick in litigation of all types is driving demand for legal professionals who can represent clients in areas such as complex civil litigation, commercial litigation, insurance defense, class actions, labor and employment, personal injury lawsuits and regulatory actions," legal journalist Sally Kane writes for TheBalance.com. One of the ways the YLD Litigation Committee assists its members is in learning from the shared experiences of the stalwarts of the legal community, forged through the committee's annual "War Stories" Lecture Series.

3 Environmental Law

Also known as Green Law, attorneys who practice in this field have seen their workload increase along with public awareness of environmental issues such as clean technology, renewable energy, carbon asset management and other environmental issues. "As going green becomes a global priority, lawyers who can advise clients on green initiatives and sustainability issues are in demand," Kane writes. "Experts predict that greenhouse gas, climate change, global warming and other environmental legislation will increase the legal work for environmental lawyers in coming years." The State Bar's Environmental Law Section holds monthly brown bag lunches and publishes a quarterly newsletter to help members get to know each other and stay current on environmental legislation and regulation changes.

4 Labor & Employment Law

Although current U.S. unemployment figures show a rebound, many areas of the country, and some areas of Georgia, have still yet to fully recover from the job losses of the 2008 recession. “In a strong economy, employees find new jobs quickly and are less inclined to file employment-related claims,” Kane writes. “However, unemployed workers facing financial ruin are more motivated to pursue litigation. Moreover, litigation rises in an economic downturn as regulators step up enforcement and organizations file more lawsuits to collect on money owed.” In this climate of increased employment action, the YLD’s Labor & Employment Law Committee conducts educational programming and hosts social events to enhance the skills of and foster collegiality among young lawyers engaged in this practice.

5 Intellectual Property Law

Even if the economy were to take another turn for the worse, Kane contends that intellectual property law will continue to thrive. “As long as invention and innovation exist, intellectual property lawyers, paralegals and other professionals will be needed to procure the rights to new ideas and protect the ownership of existing creations,” she writes. “New developments in science and technology have created the need for lawyers with specialized backgrounds in these areas to help protect the intellectual capital of businesses, authors, inventors, musicians and other owners of creative works.” The YLD’s Intellectual Property Law Committee focuses its efforts on behalf of its members on networking events and CLE programs, often in conjunction with other Bar sections and groups. YLD

Building Change From the Ground Up



Janene Browder

Former President Barack Obama suggested that “[i]f you go out and make some good things happen, you will fill the world with hope, you will fill yourself with hope.” This article will share steps young lawyers can take to make good things happen beyond results garnered through their traditional law practices.

Many young lawyers champion communities through public policy and advocacy before and after becoming members of the Bar. What follows are a few simple ways that you, too, can build change from the ground up.

Select a Cause

F.O.C.U.S., a popular acronym, instructs one to “follow one *course* until successful.”



Sherron Harris

When embarking on a journey toward championing a community through public policy and advocacy, follow one *cause* until successful. By selecting one cause to support, being overwhelmed and compassion fatigue can be avoided.¹ Also, target a local cause with a personal connection to increase opportunities to make an impact and remain committed to goals.²

Align with an Interest Group

The roles and sway of interest groups in developing social and political systems include direct action, financial support and social media campaigns.³ Although challenges abound when selecting an interest group, prioritize the alignment of an organiza-

▶ SEE POLICY, PAGE 4

From the Editors

Grow Where You Are Planted

ShaMiracle Johnson & Heather Riggs

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Spring is an exciting time and is often a sign of new beginnings. As the flowers begin to bloom and the leaves start to turn green, it is a great reminder of the importance of growing where you are planted.

People may see a cherry blossom and think “how beautiful” without giving much consideration to the process the tree has gone through to produce that end result. There are many similarities between a blossoming flower and a budding attorney. First, in order to reach your highest potential, you must be planted in good soil. The YLD provides soil that is well-fertilized and covers an array of practice areas. By actively engaging in the YLD and its committees, you may find it easier to ground yourself in the practice of law.

Second, you must water your talents in order to produce a beautiful bloom. While used in a metaphorical sense, “watering your talents” is accomplished by attending CLEs, remaining abreast of changes in case law or attending a YLD meeting to network with colleagues. In order to see optimal growth, you must be willing to water your talents, or more simply put—invest in yourself.

Last, you should not rush the final product. It’s impossible to do so anyway, no matter how hard we may try. While it may be exciting to know that you have planted yourself in good soil and watered your talents, remember that the growth process takes time. Resist the urge to become frustrated with your growth process. In time, you will blossom into the legal redwood you wish to be because you’ve grown right here with us! YLD

► POLICY, FROM PAGE 3



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tion with your personal values, interest and active engagement.⁴

Get Into Position

Join a committee or specify a task to perform within your chosen interest group. Committee work and task completion, while enriching and exciting, can also broaden your institutional and subject matter knowledge, develop critical skills and nurture your network.⁵ When seeking a committee to join or task to perform, pursue value-added opportunities for a specified cause and interest group which should overlap with your personal interests and career aspirations.⁶ “Public policy work is any legally appropriate activity that aims to affect or inform government law, administrative practices, regulations, or executive or judicial orders. It comprises of a wide range of activities, including: legislative lobbying; administrative or regulatory advocacy; public interest research; informing and educating legislators; informing and educat-

ing the public; community organizing; educating voters and candidates; accessing and disseminating public information; facilitating and building partnerships; forming coalitions; and negotiating among nonprofits and government.”⁷

Do the Work

Once you have identified a cause, an interest group and chosen the committee or task, it’s time to get to work. Coalitions, both local and issue

specific, can benefit from expanded participation and leadership.⁸

Measure the Outcomes

What gets measured gets done. Notwithstanding the absence of a uniform measurement or evaluation of public policy and advocacy, many foundations and nonprofits seek to measure advocacy and policy work.⁹ One resource seeking to become the measurement standard, “A Guide to Measuring Advocacy and Policy,” offers six categories, described below, that represent changes that result from advocacy and policy work: 1) shifts in societal norms; 2) strengthened organizational capacity; 3) strengthened alliances; 4) strengthened base of support; 5) improved policies; and 6) changes in impact.¹⁰ Partnerships in policy advocacy are extremely beneficial for citizen education and outreach.

Of the millions of nonprofits in the United States, the influence on local and

national public policy and advocacy is disproportionate.¹¹ Therefore, we encourage other young lawyers to champion a chosen community by selecting a cause, aligning with an interest group, getting into position, doing the work and measuring the outcomes. YLD

Endnotes

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Tips for a Successful Practice: First, Survive. Then, Grow.



**Mandy
Moyer**



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The first time you ever went to court, pitched to a new client or wrote a legal memorandum for the senior partner you were a ball of nerves, feeling extremely uncertain in the quality of your work product and your knowledge of the procedure, the subtleties, the dance. It was all you could manage just to do the work, hope for the best and pray that no one would notice the beads of sweat forming on your brow. Thankfully, those days are behind you.

Now, you've got it all figured out. You understand the common legal issues in your preferred practice area(s), enabling you to assess a potential client's case with far less research. The terms in the negotiation are familiar; maybe the "players" are even familiar, too. Accordingly, you have a level of cautious confidence in your efforts. If this sounds like you . . . congratulations! You

have reached a legal career milestone: you have successfully developed a base level of competency in your practice area. Cheers, my friend!

But while a successful, fulfilling practice may start with achieving this base level of competency, it certainly does not end there. Since you now have a handle of the basics of law practice, though, here are some tips for taking your legal career to the next phase: from mere competency to growing.

1 Look up.

Literally. Look up from the files on your desk, the messages on your voicemail and the never-ending to do list that is your email. Take a long lunch, bring a blank legal pad and just . . . think. What do you enjoy most about your practice, and how can you

do more of that work every day? Is your current position providing you with the support and opportunities that you want? Do you want to get on or stay on the partnership track? If you're looking outside your existing firm, what's your next step? Would a lateral move make sense, or are you ready to start your own solo firm or partnership? Don't limit your thoughtful consideration strictly to your career, either. What are you looking to achieve in the other aspects of your life?

2 Make a plan.

Now that you've taken the time to decide where you are going, start connecting the dots. You have the goals in mind, you just have to chart the path from where you

► SEE TIPS, PAGE 6

► TIPS, FROM PAGE 5

are now to where you want to be. I recommend at least a one-year and a five-year plan. Be as broad or detailed as you like with it, but identify actions that you can take, connections that would be helpful to you and the reasoning behind the goals you've set. Writing down the reasons will make it easier for you to remain motivated despite your ever-expanding workload.

3 Learn the law.

Did I already cover this? After all, you are at the point where you are finally getting it, and you feel competent. As a staff attorney, I get to observe the pleadings, actions and arguments of many attorneys. Here's the thing: many of them never really seem to excel beyond that base level of competency. They may be well liked, they may be well known, but they could afford to brush up on the finer points of

the law. If you make the extra effort to master the law, you'll be remembered (and remembered well) by courts and opposing counsel. So, study the Code. Stay abreast of case law developments in your practice area(s). Actually listen during your CLEs. Trust me: your practice, your confidence and your referrals will all improve as a result.

4 Switch sides.

Are you a prosecutor? Consider crossing the aisle to the defense bar. Just kidding; that's not my point. Instead, switch sides by mentally changing your perspective. Read your discovery as though you were counsel for the opposing party. What would your advice to that opposing party be? How would you interpret the Interrogatories that you prepared? Also consider the perspective from the bench. What would the judge have

to find in order to give your client the relief he or she is seeking? Much of successful litigation or negotiation depends on strategy, so make sure you understand the motivations of your opponents.

5 Take care.

In those first years of law practice, it is incredibly easy to become consumed in the work of practice. Now that you've achieved competency, take a breath. Remember to make the effort to eat well, exercise and socialize. Nurture your relationships, both personal and professional. Give back early and often, whether it be monetary donations or donations of your time. Don't forget that there is life outside of law.

Once you're out of survival mode, if you can manage to follow these five steps you'll find yourself growing into the lawyer you've always wanted to be. YLD

The Georgia High School Mock Trial Program would like to express our sincerest gratitude to the Georgia legal community for their support during the 2017 season.

More than 500 Georgia attorneys and judges gave a tremendous amount of their time serving local schools as attorney coaches for one of the 125 teams who registered for the season.

Twenty-one attorneys and judges (and their staffs) spent numerous hours preparing for and conducting the regional and district competitions this past spring. We thank not only them for their time, but their firms (and families) as well, for giving them this time to make these competitions happen.

Lastly, we thank the hundreds of attorneys and judges across the state that served as evaluators or presiding judges for our competitions. During the season, we had to find enough volunteers from the legal community to fill 336 courtrooms for all levels of the competition.

The result is that more than 1,630 high school students had the opportunity to compete in one of the most public programs of the State Bar of Georgia. Without your support, they would not have had this opportunity.

The 2017 State Champion Team is from Grady High School in Atlanta.

The State Champion Team will represent Georgia at the National High School Mock Trial Championship in Hartford, Conn., May 12-13.

For more information about the program or to make a donation to the state champion team to support their participation at nationals, please contact the mock trial office at 404-527-8779 or toll free 800-334-6865 ext. 779; or email mocktrial@gabar.org.



GEORGIA
MOCK TRIAL
COMPETITION

YOUNG LAWYERS DIVISION
STATE BAR OF GEORGIA

Growing Your Case Toward a Successful Ending



**ShaMiracle
Johnson**

Springtime is here, and with the warmer weather, cherry blossoms and allergies, it is also a time when jury and bench trials abound. As you prepare your next case for trial, it may prove beneficial to start with the end in mind. In particular, your closing argument! Have you considered the amount of time that your closing argument requires? Are you concerned about the best time to make an objection to remarks made by your opponent in their closing? These questions are often posed by litigators, both young and seasoned. Fortunately, Georgia law provides guidance on these matters. In gearing up for trial, here are two things that you should keep in mind during the closing argument phase of your trial.

1 Time limitations and exceptions for closing argument.

Uniform Superior Court Rule 13.1 provides that in civil cases other than appeals from magistrate courts, counsel shall be limited in their arguments “to one hour each side.” Given this Uniform Rule, at a maximum, counsel is afforded one hour for closing arguments. However, there may be an instance where a case requires more than one hour for summation. In such an instance, counsel may elect to rely on O.C.G.A. § 9-10-180 in support of a request for additional time. Upon counsel making a proper request, O.C.G.A. § 9-10-180 provides counsel up to two hours to present a closing argument. See *Rouse v. Polott*, 274 Ga. App. 226, 228, 617 S.E.2d 185 (2005) (finding that O.C.G.A. § 9-10-180 takes precedent over USCR 13.1 when the party timely requests an extension of time for closing argument from one to two hours and cites O.C.G.A. § 9-10-180 as author-

ity). But see *Alexandrov v. Alexandrov*, 289 Ga. 126, 127, 709 S.E.2d 778 (2011) (holding that a party waived her right to raise on appeal the time allotted by the court to make her closing argument, when she failed to specifically object to the limitation at trial) and *McIntyre v. Pope*, 215 Ga. App. 600, 451 S.E.2d 10 (1994) (finding no reversible error when the court limited the closing argument to one hour per side because counsel did not make a request for additional time).

2 Timely objecting during the closing argument.

At first blush, the thought of objecting during opposing counsel’s closing argument may appear rude and overzealous. However, not objecting and waiting until counsel concludes the closing argument may jeop-

ardize your client’s opportunity to move for a mistrial. In *Hamilton v. Shumpert*, 299 Ga. App. 137, 682 S.E.2d 159 (2009), the Court of Appeals of Georgia found that a remark made by the defense counsel regarding the plaintiff’s attorneys fees did not constitute reversible error, where a timely objection was not interposed at the time the remarks were made. The *Hamilton* Court relied upon *Butler v. State*, 273 Ga. 380, 541 S.E.2d 653 (2001), where the defendant failed to object to the prosecutor’s remarks at the time they were made.

Like the plaintiff in *Hamilton*, the Supreme Court found in *Butler* that the defendant’s motion for a mistrial was untimely because it was made at the conclusion of the prosecutor’s closing argument. In *Mullins v. Thompson*, the Supreme Court further explained the *Butler* decision noting that it

► SEE GROWING, PAGE 10



The YLD's 11th Annual Signature Fundraiser Grows Its Contribution to CASA



Audrey Bergeson

The YLD held its 11th annual Signature Fundraiser on Feb. 25. This year's event, Carnival for CASA, was a black-tie affair held at Terminus 330 in Atlanta. The evening included dinner, dancing and a silent auction, along with some carnival-themed fun like ring-toss, whac-a-mole and a claw machine. However, the pièce de résistance had to be the donut wall, covered with delectable donuts from Krispy Kreme.

Congratulations to YLD Past President (2013-14) and current State Bar of Georgia Secretary Darrell Sutton who was presented

with the YLD's annual Signature Service Award for his commitment and support to the State Bar of Georgia and his community. YLD Past President (2005-06) Damon Elmore had the pleasure and privilege of presenting his good friend and colleague with this honor.

More than 200 were in attendance, including lawyers of all ages, judges, friends, family and sponsors. This year's event raised more than \$50,000, the net proceeds of which will go to our beneficiary, Georgia CASA.

Georgia CASA, which stands for Court Appointed Special Advocates, recruits, trains and supports CASA volunteers across the state. Because of Georgia CASA's reach, the proceeds of this event will benefit chil-

dren statewide. CASA volunteers advocate for children who have been placed in foster care or other similar settings by the Division of Children and Family Services. They are a vital voice for Georgia's children. A special thank you to YLD President Jennifer Mock for selecting Georgia CASA as the beneficiary of this event and for all of her support.

The committee chairs would like to thank Mary McAfee, Danielle Buteau and the rest of the staff at the State Bar who helped make this event possible. We would also like to thank everyone who came to the event, sponsored or supported this fundraising effort in any way. We could not have done it without you, and we hope you had as much fun as we did! YLD

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YLD Signature Fundraiser
**CARNIVAL
 FOR CASA**
 A GALA TO BENEFIT GA CASA, INC.
 ★★ February 25, 2017 ★ 7-11 p.m. ★★

1. Signature Fundraiser Co-Chairs Audrey Bergeson, Katie Willett and Rizza O'Connor with YLD President Jennifer Mock (3rd from left).
2. YLD member Alex Barnett plays Whac-a-Mole at Carnival for Casa.
3. Diana and Moses Kim.
4. (L-R) Diane and Duaine Hathaway (Executive Director, Georgia CASA, Inc.) with State Bar of Georgia Executive Committee Member Nicki Vaughan and her husband, David.
5. Fun on the dance floor.
6. Attendees enjoy cotton candy at Carnival for Casa.
7. Board of Governors member and YLD Past President (2005-06) Damon Elmore (right) presented the YLD Signature Service Award to YLD Past President (2013-14) and current State Bar Secretary Darrell Sutton (left).
8. The famed donut wall.

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“rejected the notion that a motion for mistrial based upon an improper closing argument can be made after closing argument, and held to the contrary, that such a motion must be made at the time the improper argument is uttered.” *Id.* at 367. Based upon the aforementioned case law, if counsel’s remarks warrant an objection or motion for a new trial, object at the time the remark is made. Waiting may deem your objection or motion untimely.

Preparing for your trial with the end in mind allows you to develop a clear game plan that protects your client and the record, should an appealable issue arise. YLD

GEORGIA LAWYERS LIVING WELL

www.lawyerslivingwell.org

The State Bar of Georgia has made lawyer wellness a priority this year. In addition to CLEs and other activities related to wellness, we’ve launched lawyerslivingwell.org. Visit the new site to view articles and resources related to wellness, and learn more about State Bar programs that help lawyers in their lives and practices. Be sure to check out the wellness partners and get discounts on gym memberships, fitness classes and more.



Learn more by visiting www.lawyerslivingwell.org

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RUN FOR THE YLD REPRESENTATIVE COUNCIL

Now is the time to throw your hat in the ring! Elections for representatives will occur during the YLD Annual Meeting, at the Hampton Inn & Suites on Jekyll Island on Friday, June 9.

The Representative Council is comprised of 10 representatives from each of Georgia’s federal judicial districts (Northern, Middle and Southern), two representatives from outside Georgia and 12 members-at-large. Representatives participate in the YLD’s five annual membership meetings, provide input and perspective with respect to YLD activities and are appointed to serve on various YLD committees.

If you are interested in standing for election to the YLD Representative Council, please send a biography or resume to Mary McAfee, YLD director, at marym@gabar.org or fax to 404-287-4990 by May 19. For more information about the elections, contact Mary McAfee or YLD President-Elect Nicole Leet at nleet@grsmb.com.



Specific is Terrific: Growing Into Your Marketing Niche



**Heather
Riggs**

In today's marketplace, law firms must identify target markets, establish key performance indicators and implement strategies that lead to lasting results.

But not all law firms are created equally. They specialize in different practice areas that require unique ways to reach their prospective clients and grow within their industries.

Knowing why different practice areas need different types of marketing is the first step to creating an effective marketing strategy for your law firm. You'll achieve better results, reduce your marketing spending and gain more visibility for your practice.

Specializing in Today's Marketplace

Law firms that have niched down their services are more likely to achieve success from their marketing efforts. Specializing in a practice area sets your law firm apart from its competitors.

Personal injury, intellectual property and employment law firms often have specific needs when it comes to selling their services. Prospective clients look for legal services when a specific need arises.

Marketing your practice area and avoiding generalized marketing messages makes it easy for prospects to find and hire you. You can get even better results from specializing within your practice area by further narrowing down your services.

Search Marketing

Different practice areas have different keywords that are relevant to their target audiences. Law firms must understand which keywords provide the greatest return on their marketing investment.



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When using Google AdWords or other paid advertising, you should tailor your keyword use and ads according to your practice area. This strategy works best when you have an understanding of the words used by prospects looking for your legal services.

Your law firm should avoid using general keywords. The more specific your target keywords, the more successful your advertising campaigns will be.

List Building

Capturing emails, phone numbers and other contact information from prospects gives you an opportunity to build the relationships that grow your client base.

Law firms must consider how prospects hire them for their services. The sales process may be long when prospective clients require more information before deciding to hire you for your legal services.

In some cases, the need for your services may be urgent, and prospects may decide to purchase your services based on your location or experience.

Building a list requires you to segment that list so that you can reach prospects at the right time with the right message.

Consider the services you provide and the needs that they address. Use this in-

formation to nurture prospective clients through the sales process and achieve higher conversion rates.

Website Design

Your website's design depends on your practice area. A website serves many functions including educating and influencing its visitors. It supports your branding efforts so that your practice is easily recognized among its competitors.

Your site's pages should be specific to your area of practice. It should serve as a valuable resource for those individuals who need your services.

Offering valuable and relevant content can only result from a marketing strategy that's aligned with your legal services. Other elements of your design including logos, headlines, taglines and layout are also influenced by your specific area of practice.

Different practice areas need different types of marketing. Although law firms share many business objectives, the strategies used to achieve them will depend on their specialties, expertise and target markets.

Creating a customized approach to marketing your services leads to success in your industry and a growing client base for years to come. YLD



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Early Bird Cut-off Date: May 12
Final Cut-off Date: May 26

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