Michael Cowen:

This is Michael Cowen, and welcome to Trial Lawyer Nation.

Voiceover:

You are the leader in the courtroom, and you want the jury to be looking to you for the answers.

When you figure out your theory, never deviate. You want the facts to be consistent, complete, and credible.

The defense has no problem running out the clock. Delay is the friend of the defense.

It's tough to grow firm by trying to hold on and micromanage.

You've got to front load a simple structure for jurors to be able to hold onto.

What types of creative things can we do as lawyers even though we don't have a trial setting?

Whatever you've got to do to make it real, you've got to do to make it real, but the person who needs convincing is you.

Welcome to the award-winning podcast, Trial Lawyer Nation, your source to win bigger verdicts, get more cases, and manage your law firm. Now, here's your host, noteworthy author, sought-after speaker, and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Trial Lawyer Nation is brought to you by LawPods. LawPods is the company that produces these podcasts. They make my life so easy. All I have to do is show up and talk, and they do all the recording, making sure it sounds good, the editing, the putting out clips for social media. If you are thinking about doing your own podcast, I highly recommend LawPods.

We're going to start a new feature on this podcast. It's Ask Michael and Malorie Anything. If you have anything you'd like to ask either Malorie or me, we're going to start doing an episode every couple months where we're going to answer your questions. So just send them into me at michael@cowenlaw.com, and Malorie and I will answer them, anything from legal strategy, marketing, management. Anything else in life you want to talk about, we'll be glad to talk about it with you. Again, Ask Michael and Malorie Anything. Just send us an email. We'll be glad to answer your questions.

Today on Trial Lawyer Nation, we have a real treat for y'all. We have The Godfather of Legal Marketing, Harlan Schillinger. Harlan, how are you doing today?

Harlan Schillinger:

I am doing great, but I'm already going to start correcting you. I am told that I am The Grandfather. "The Godfather" is a little bit too much.

Michael Cowen:

Okay. Well, I didn't want to call you The Grandfather because I didn't want to. You seem very young, energetic when we spend time together. You seem more like The Godfather than The Grandfather to me, but-

Harlan Schillinger:

I really appreciate that. I'm doing okay for a guy 75 years old.

Michael Cowen:

So let's talk a little bit about your background. When did you first get into legal marketing?

Harlan Schillinger:

Michael, I entered the legal marketing scene in 1977.

Michael Cowen:

Wow.

Harlan Schillinger:

I actually recognized the opportunity of what was going on. We didn't realize it was such a great opportunity, but in 1977, of course, the base decision came down. My company was looking for some opportunity. We were, at the time, producing syndicated television commercials for high-end retail, and we started off in 1975 with fine jewelry. We were doing the De Beers commercials at the time, and we basically created syndication for high-end retail. Television is built on syndication, as you know. It's why you see an Oprah show in one station in one market, and you see it on another station in another market. That's how television is set up, so we came up with the idea of syndicating high-end retail. At the time, we were looking for a new category. We had just gotten into the real estate category, which, at the time, if you remember, you had the electronic firms emerging and basically taking out the local big guy. But we were looking at two categories, and I chuckle when I say this. We were looking at funeral homes and lawyers.

Michael Cowen:

Same market. Yeah.

Harlan Schillinger:

Not quite, but we chose lawyers instead of funeral homes, and in 1979... actually, '78 going into 79, we produced our first television commercials for lawyers.

Michael Cowen:

And I started third grade, so.

Harlan Schillinger:

Really?

Michael Cowen:

Yeah. '77, I was in second. '78, I was in third.

Harlan Schillinger:

Oh my.

Michael Cowen:

So what was the reaction when you first started doing lawyer commercials? I mean, you all were some of the first ones to actually put out commercials for lawyers.

Harlan Schillinger:

Well, Len Jacoby from Jacoby & Meyers was already on television, and there was another fella out of Madison, Wisconsin that was on television. His gig was to go underwater as a scuba diver and then merge. It was comical. So then, we came up with this approach, and truthfully, it's hard for me, really, to remember the expression on lawyers' faces when we approached them, but it was amusing. What really happened was what we actually wound up approaching in each different market, and we were very successful at it. When I say we were successful at it, if I recall, in the first two years of launching our television commercials, we signed up 58 lawyers to use our commercials.

Now, this is back in 1981, 1982 by the time things got rolling. But the lawyers that really were attracted to this advertising were young. They were aggressive, they were forward-thinking, and they had no idea what to expect. No one had any idea of what to expect once you started to advertise. Consequently, we had to create processes. We had to create all kinds of things from how do we answer the telephone to how do we keep up with the barrage of phone calls and cases that were coming to the clients. It was interesting times.

Michael Cowen:

So tell me about that. Why is it important to make sure that you answer the phone a certain way if you're going to run an ad?

Harlan Schillinger:

Well, I think that's common sense. Have you ever walked into a supermarket or, excuse me, a clothing store, a department store, and the salesman comes over to you and says, "Hey, how can I help you?" You say, "Well, I'm looking for a suit." They say, "Well, it's in that direction over there." You're spending a lot of money. It's important to answer the telephone so you get a return on your investment, bottom line. But most importantly, you're dealing with a group of people that wake up in the morning, and it's their very worst day. You're claiming to be their savior, their help, the person that's going to help them out of a very bad situation. It's only common sense to treat people the way you want to be treated. So there's one facet of the compassion, and the other is a pure economic reason. You're paying for the phone call, so answer it.

Michael Cowen:

So once you get them signed up... I mean, one thing that's a struggle in the legal market is that our clients have... 99% of them have no idea whether we're doing a good job as a lawyer. What I mean is they don't know if the letter we wrote is good, whether we're writing a good pleading, whether... Honestly, they don't even know if their settlement is a good settlement or not for their injury because they have no context for that. So what do they care about, and how do we conduct ourselves in such a way that we make them feel satisfied with their choice to hire us?

Harlan Schillinger:

Well, my father used to say to me regularly, "Nobody cares how much money you have when you die. You're going to be judged by how you treat people." It's my belief that somebody is calling you on their worst day, and how you treat them and how you make them feel in the most sincere way is everything. You're absolutely right. We don't know what a good settlement is, what a bad settlement, what a good lawyer and a bad lawyer is. We seem to elevate towards bad lawyers because they don't return phone calls. They're arrogant.

I can give you a list of all the reasons that people dislike lawyers, but it's really important to sit down with a new client and walk them through what really to expect because they don't know what to expect. Michael, don't we have that when we go to get our car repaired, we're building a house or getting a repair for... The plumber shows up, and he says, "Well, we've got to dig a trench out to the street." We don't know this, and so reputation is everything. I think the real question is, how do you find the best lawyer? How do you find the good lawyer? How do you find the lawyer that's best for your case, and how do you quickly recognize whether there's compassion?

Michael Cowen:

So how do you communicate that you're compassionate, that you're going to treat the client well? It's not just TV anymore, but in our marketing messages, how do we communicate that?

Harlan Schillinger:

Well, by being that person, by acting that way. We talk a lot about, "Well, you know, I care." Riding over here to your office, I must have seen at least half a dozen, if not 12 billboards, and every one of them said the same, "I fight. I do this. I do that." How do we know if they really do that? I think your reputation precedes itself. In this field, reviews are very important. You have to do your homework, and what is happening versus the old days when you didn't have the computers, you didn't have the ability to check on people's reputations, and what have you, we do now, and I really urge a victim to do their homework before they hire a lawyer. I guess the next question is, "Well, how do you do that homework?"

Michael Cowen:

Yeah.

Harlan Schillinger:

I would start with Google. I would start with reviews. I would start with, "What kind of a case do you have, and what kind of a case does that lawyer specialize in?"

Michael Cowen:

What are some of the ways that the legal marketing world has changed from when you started in the late '70s to today, 2025?

Harlan Schillinger:

Michael, that is a big question. It has changed radically. When we started advertising back in 1980, 1981, 1982, even through the '90s, people really were... It was new. I'll never forget my partner being interviewed by Tom Gerald in 2020. Tom asked Norton Frickey a question. He says, "Well, what is this all about?" His answer was, "We give access to the courtroom for the little guy." With that being said, what's happened is there's been an explosion of marketing, an explosion of litigation, an explosion of opportunity.

Prior to advertising, there were a fraction of the amount of lawsuits that are being involved with now. I say, when you make that change, there were only a handful of people advertising back in the '70s, back in the '80s, and even going into the '90s. Now, there isn't a law firm that I know on earth that can't get away without marketing their services because it's an extremely competitive environment.

So if you take a look at what happened back in the '80s, '70s, '80s, and '90s, and where it is now, you have about 4,500 lawyers on television alone in this country versus in 1979, you had three. So you can

imagine the upheaval that caused. When I say upheaval, you can't look at television without seeing lawyer after lawyer ad. You can't go down the highway without seeing a lawyer billboard after a billboard. So I describe it as an advertising explosion. It's pretty unprecedented, actually.

Michael Cowen:

Yeah. I have a friend. He said back in the '90s, he could run commercials for a few months. The phone would start ringing right away, he would fill up as many cases as he and his partner could handle, and then they would stop running them until they settled those cases, and then they would turn it on again. It worked until it stopped working. At some point, they would start running them again, but they would be so saturated with the people that were in there constantly spending big money that the phone wasn't ringing anymore, and when it was ringing, it was just the stuff the other guys didn't want. It's just gotten a lot more competitive.

Harlan Schillinger:

Well, to say it's gotten competitive is a very mild statement, but everything in this world has gotten very competitive from retail to everything. You feel that with the onset of television, and advertising, and social media, and all. Think about all the outlets that you have now to absorb messaging. I was told that each day, you are bombarded with 8,000 messages for you to... that go by your mind. I know that sounds almost impossible, but if you think about all the television, all the advertising, all the billboards, all the signs... I'm sitting in an office right now, and I'm looking at communities and advertising just at this desk alone. So with the amount of outlets that we have now, you can't walk away from advertising, whether it's for lawyers, or whether it's for card dealers, or it's real estate agents. We're in an explosion.

Michael Cowen:

Now, I know at one point, television was king, but I worry now. We did a firm retreat a few weeks ago, and I said, "I'm just curious, could everyone who still has cable TV at home raise their hand?" In 40 people in the room, I was the only hand that went up. Is television still an effective way to reach people?

Harlan Schillinger:

It is. Just to put it in perspective, Michael, there has never been more people watching the tube than there is right now. We are in a tremendous content war for the viewer. When you talk about cable, cable is still viable. It is shrinking OTT streaming.

Michael Cowen:

What is OTT?

Harlan Schillinger:

Exploding. It is streaming television. I'll use the example of whether it's Netflix or Hulu, YouTube TV. You can't get away from the tube. Network television is shrinking. Network television hasn't grown, with the exception of news and sports, in quite a long time. If you notice what's going on with television, drama has gone to streaming television where you have your Netflix, where you have your YouTube, where you have your Yellowstone, your Landman, and all of these shows. Network has gone to the reality show model for a couple of different reasons. Many people don't realize that the most profitable television show 20 years ago, when I say profitable with advertisers because you have the cost of putting it on and the cost of selling your ads, was The Tonight Show, late night television. Their profit margins would

double that of almost any other show on television. I guess that's how they could pay Johnny Carson $20 million a year at the time.

Michael Cowen:

So the one thing I personally experienced is the barrier to entry. The cost of getting into the television market is so high that I don't think many people can start out there, unless you already have millions of dollars not just to spend, but then to keep spending and wait multiple years to build your brand and start getting return on your investment. I think it's really hard to get into television. What do you think? Do you think your competitors are doing a $2, $4 million a year spend if you what, put $15,000, $20,000 a year?

Harlan Schillinger:

Well, if you decide to get into television and you decide to compete dollar for dollar with the big guy, I think that's suicide. You'll never see your investment back. You'll never see your return on your investment. If you sign a case up today, you're not going to see a nickel for 18 months. Multiply that by what you're bringing into the office. But the truth of the matter is, is that there's room for anyone to enter any kind of a marketplace. My strategy would be to outmessage somebody, not outspend them. When we talk about expectations, if you're going to spend a fraction of what somebody else is going to spend in the market, you've got to find a way to strategically place that so that you have maximum exposure versus just throwing, I guess, money at the wall. But I want to go back to your previous question for a minute.

Michael Cowen:

Sure.

Harlan Schillinger:

You asked me if television is still king.

Michael Cowen:

Yeah.

Harlan Schillinger:

There's no question television is king. Take a look at what we just looked at last Sunday. Well, two Sundays ago in the Super Bowl. You had a hundred million people watching the Super Bowl on television. Now, this is around the world. The reason I say television is still king is because I'll still fall back on... There has never been a time in history that there are more eyeballs on the tube. What's happened is it's fractional. Network has dwindled with the exception of news and sports, but we have so many more additional viewing areas. Every day, every month, a new app comes up with a new station that's vying for your eyeballs. There's 150 stations that are available to you to look at right now. So it becomes much, much more tricky.

Michael Cowen:

Yeah. When I was growing up, we had three in English and one in Spanish where I grew up, and that was it. I mean, we had 4, 5, 23, and 7. We had four choices, and those were the only choices. Now, you have hundreds. So how do you get in front of people when the audience is so fragmented?

Harlan Schillinger:

Well, it's very, very important to figure out who you want to get in front of, and you have to really figure out who your customer is, who your prospect, your client is. The number one rule of advertising is you get what you ask for. But the number two rule of advertising is find out how your client is consuming information and give them more of it. So it's really important to figure out exactly who you're trying to reach, and you do that through demos, through statistics, through all of the... What is the word I'm trying for? All of the demographics that are available.

Michael Cowen:

You said you get what you ask for. What do you mean by that?

Harlan Schillinger:

I have a dear friend that is in five or six states, and the only thing he really advertises is, "In a wreck? Get a check." Now, that is a style. I'm just using that as an example. What he's asking for is, "If you've been in a wreck and you want a check, give me a call." Think about that. Now, my friend happens to be making a fortune of money. He's settling and taking in fees in excess of 175 million a year. So the economics are there, but he's struggling to get bigger cases.

Michael Cowen:

Yeah.

Harlan Schillinger:

Why? Because he's not asking for bigger cases. Somebody said to my partner, my ex-partner at the time, Tammy Kehe, and she said, "Well, how do you get good cases? How do you get the best cases?" The brilliant answer that she came up with was, "Be a good lawyer."

Michael Cowen:

Well, you can't just be a good lawyer. People have to know you're a good lawyer and know that you're out there. I think there's a lot of good lawyers that don't market themselves and end up not working to the... They're not able to use their full gifts that God gave them because they don't have the cases that merit their full talent. That makes any sense. I mean, you could be the best lawyer in the world, and if you only have soft tissue car wreck cases, you could only do so well. You have to get those better cases to fully use your talents.

Harlan Schillinger:

Well, you could also be the best lawyer in the world and nobody know it or people don't know it.

Michael Cowen:

Yeah.

Harlan Schillinger:

So your question is, "How do you get that message out?"

Michael Cowen:

Absolutely.

Harlan Schillinger:

If I'm hearing it correctly. I think you do that through advertising. Depending on your personality, depending on where you're headed, what kind of a case you want, it will depend on how you want to advertise. 90% of the lawyers out there that advertise say the same thing, "I'll get you this. I'll do this. I'm bigger than the next guy. I got you more money than the next guy. I just settled this case for $22 trillion." That's one concept. My approach is credibility. I would rather have somebody that you worked with or somebody that knows you tell your story than you tell your story. I think there's much more credibility in it. It goes back to the jury system. The lawyer can sit all day long in front of the jury and tell the jury about the client, or I can have the client or I can have the witnesses tell the story.

Michael Cowen:

Yeah.

Harlan Schillinger:

There's a difference in credibility there.

Michael Cowen:

So what kind of people can we get to tell our stories?

Harlan Schillinger:

I think the best person to tell your story is your victim and the people that you work with. Everybody around you has a story to tell, the people that work for you, the people that work around you, the people that you've done business with, and how they tell this story will depend on how it's being received.

Michael Cowen:

So a lot of our listeners, I mean, they're up and coming, but they don't yet have a seven-figure marketing budget. I mean, most of us don't. What would you recommend to a lawyer up and coming, wanting to start marketing, wanting to get their story out there, but they don't have the money to do TV?

Harlan Schillinger:

Let's take a worst-case scenario or let's start at the beginning.

Michael Cowen:

Yeah.

Harlan Schillinger:

You just left law school. You've got your license. You're deciding to open up a shingle, you put a shingle out, and you decide, "Yeah, I really don't want to work for another firm. I want to be independent. I want to work for myself." Okay, and you have no money. That's ground zero. Social media. There's absolutely no question, social media. I think one of the biggest mistakes that people make, lawyers make is they don't re-target, re-market, and they don't really work with past clients. Past clients are a tremendous

opportunity for business. Where they fall short on getting referrals from past clients, when you're younger particularly, is they don't work it. They don't put themselves in front of clients.

I used a number earlier that you get about 8,000 impressions a day that go by your mind, advertisements, things that are occupying your mind for people wanting to do business with you. So the old guard is under the impression that because I settled the case for this client, and they got a phenomenal return, and we had a terrific relationship, they don't realize that once that case is discharged, that victim goes out into society and is bombarded with 8,000 messages a day. You become less important. The biggest mistake, I think, lawyers make is not keep in touch with their past clients because they're working on the fact that, "I did such a great job, they're going to remember me." Well, unfortunately, they're not.

Michael Cowen:

I learned that about 15 years ago. I had a client. One lawyer referred me a client, and I thought we did a really good job for her. About six years later, another lawyer refers me to the same client who got in another incident. When I did my first meeting, he goes, "Oh my gosh, I'm so happy I'm going to work with you again. You did such a great job for me last time." When the meeting was over, I'm like, "By the way, I mean, if I did such a great job for you last time, why did you call a different lawyer this time?" He goes, "Honestly, I just forgot who you were."

Harlan Schillinger:

Well, that's my point. You've got to continually stay in front of people. Getting back to that young lawyer that's starting off, I believe in social media. Social media is here to stay. It's not going anywhere. The last couple of elections were decided on social media. Social media can be your best friend. It could be your biggest enemy. You've got to understand how to use social media. Social media is a gift that's been given to us in the advertising world.

What social media allows you to do is put yourself in front of people. If you combined social media with database marketing, or just keeping in touch with people, or writing a handwritten note to your past clients so that they remember, I think one of the things that I love to do is send birthday cards. Now, it sounds really simple. You're a high-end litigator, and I'm saying, "Okay. Well, send your clients birthday cards." It sounds kind of... "You want me to send my client a birthday card?" Think about that. Michael Cowen is going to take a moment to send a great client a birthday card every year. How powerful is that from such a powerful lawyer?

Michael Cowen:

We used to that, and we fell off. We need to start that again. I'm glad we're doing this.

Harlan Schillinger:

What happens, Michael, with you and many, many people is we start something, and then something else takes its place, and we forget to do what we started to do. Having a process in place for your advertising, having a process in place to do your social media, having a process in place to do your day-to-day marketing, your database marketing, I should say, sending out those newsletters, sending out the birthday cards is only going to get done if you have a process in place.

Michael Cowen:

I want to go back to social media. So I see all kinds of different approaches to what the content is on social media when people are trying to market their services. I know how it affects me, but I'm not the target audience. What are some tips you have for creating compelling content in social media that's going to get people to think of you when they need a lawyer?

Harlan Schillinger:

Well, the first thing you have to do is understand who you are and be yourself. If you're a clown, okay, you're a clown. If you're a serious lawyer, get a little unserious. You should not always serious, but you have to know who who you are, and you certainly have to know who your audience is. I subscribe to a combination of different things. Now, keep in mind, social media is social, so you have to be social, but you also have to be informative. I think it's a tremendous opportunity to keep people informed on what not to do, and you've got to strike a balance, a balance of smiles because I appreciated what I just read and informative information. The tricky part is to not make it boring, and that's the obstacle. I think that's where you really get, "How do you conduct yourself on social media, and you're not that boring lawyer, and you're also not that clown that holds himself out as an ambulance-chaser?"

Michael Cowen:

Yeah, yeah. "Hire me because I want to make money off your case," is not a compelling social media message.

Harlan Schillinger:

Yeah. But if you take a look at most of the advertising that's out there, that's basically what people are doing, and the victim also knows that.

Michael Cowen:

Yeah.

Harlan Schillinger:

There's a reason people don't like lawyers.

Michael Cowen:

Yeah. Unfortunately, that's true. I want to go to the next phase. We've talked about what you would do if you came out with no money. Let's say you're 10, 15 years in the practice. You've got not the multimillion-dollar budget to go compete with the big boys and girls on TV, but to have... You've got a six-figure ad budget. Where would you go next?

Harlan Schillinger:

Well, the first thing I would go to is ground zero, which is digital. In this society, no matter what you do, somebody is going to look you up on Google or whatever the search engine they're going to use. It's just the way it is. So you have to have a place that somebody can go and see who you are, and you have to be buttoned-up. You and I have chatted about, "Okay. Where do you really start?" Without having the proper website that really explains who you are, what you do, and how you do it, I think you're dead in the water. There's no place for somebody to do homework on. You got to have a good website that really represents exactly who you are and how you're going to help people.

Voiceover:

Each year, the law firm of Cowen Rodriguez Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us by calling 210-941-1301 to discuss the case in detail and see where we can add value in a partnership. Now, back to the show.

Michael Cowen:

I think when it comes to the digital space, I mean, we lawyers are in the same predicament that our clients are when they're looking for a lawyer in that we don't know... I don't know what good SEO or bad SEO is. I don't know how to evaluate a pay-per-click campaign. I really don't know how to evaluate. That's, honestly, why you're in my office here today to help me learn to do this. I don't know how to evaluate whether a digital marketing company is good or not. I know there's really good ones out there, and there's some not so good ones out there. What are some tips you have for finding the right digital marketing firm for a particular lawyer?

Harlan Schillinger:

Well, the first question that I would ask to a digital agency that I'm looking at is, "What is your strategy?" I think that's the same question you're going to ask your lawyer, "What's your strategy to win this case? What is your philosophy? What is your strategy? Okay. How are you going to arm yourself? What is your plan?" You'd be surprised how many people do not ask that question because they don't understand what a digital strategy is. Some people think a digital strategy is PPC, pay-per-click. That is a strategy. Content is a strategy.

You have to have an understanding of what kind of a strategy would carry your message, and that's where I would begin. That's probably the biggest tip that I can give you is understand what strategies that are out there and what is the strategy that's going to carry your message and deliver it to the people that you want to attract. I think that's a really important conversation that you should have with your digital agency that you're shopping. If the agency comes back and says, "Well, we're going to do PPC. We're going to do this," that's not a strategy. A strategy that I'm poking at here is understanding, number one, who your client is. You got to understand, Michael, who you are. What's your personality? What kind of cases do you really work on, and how do you go about doing business?

Now, those questions are generally not asked. It's not asked because most agencies have one-shoe-fits-all approach. But understanding exactly what your strategy is... What's your strategy in your court cases? How do you go about representing your clients? You fold that in. Once you understand all that, you fold that into the message that you want to deliver to the public to attract those kind of clients. So when you talk about strategy, your strategy would be very content-driven. Content is king. What kind of a content are we driving? There's different strategies to attract different kinds of cases.

For instance, if I want to attract, hypothetically, only truck cases. Is my strategy I stand up on top of a truck and say, "I take truck cases. I take big truck cases?" Well, you're going to get some business that way. It's not a sustaining approach because you'll pick up a few cases a year. There's no question you will. But if you're looking to pick up and make your business trucking cases, you have to have a more of a substantial case, whether it's writing books, whether it's educating people to what happens in a truck case, what happens with motor vehicles in a trucking casualty, and educating the client. The way you're going to go and deliver that message is the way you're going to deliver it to the jury.

So, going back to my strategy, talking to the jury, when you talk to a jury, you have to be simple. You have to make sure that the jury understands you. You can't talk over their head. You have to talk with them,

not at them, and that is a specific strategy. I want to hear that strategy from my digital agency. I want to make sure that that digital agency is on the same plane, in the same zone as I am. Otherwise, we're not going to accomplish anything.

Michael Cowen:

That's great. So many of the messages sound the same. What are some things that a lawyer can do to stand out and be different, but still be effective in their marketing messages?

Harlan Schillinger:

That's a tough question because it involves your personality. It really revolves around your personality. If you're a lawyer that is very introverted, that doesn't socialize, that doesn't know how to network, well, that's going to be very, very clear in your advertising, in your messaging. If you're a lawyer that knows how to get out and I guess use the word "work the crowd," or join the organizations, or build your referral business, you're going to have to have a strategy that puts you in that place.

I think it really comes down to... Michael, it comes down to your personality. The one thing I would absolutely advise you not to do is not be yourself. People will see through it. You have many lawyers that are introverts, and they stand up, and they scream, and they yell, "Get me more business," trying to outshout the next advertising strategy, but it's not a sustained strategy. You got to be yourself. That's the bottom line.

Michael Cowen:

Now, you've seen the business evolve over the years. What do you see in the future, the next 10 years? What's going to change? What's going to be different?

Harlan Schillinger:

Well, the big conversation is bringing private money into law firms, and it's going to happen. It happened almost 15, 18 years ago in the UK and Australia. That model has creeped over to the United States. They're called ABS. Right now, there's only one state that really offers that opportunity. So what is really happening and the change in the legal environment is that you're going to get public money into law practices, and that's going to change a lot. You can look at what happened in the UK. Firms really got much more impersonal, service diminished, firms had to answer to their stockholders, and they gave up that compassion. I think that's the direction that we're headed. If you decide to participate, if you decide to be around in the ABS world that is evolving, you're going to be subjected to the corporate environment.

Michael Cowen:

Yeah. That's horrible for the client, but it also, I think, creates an opportunity for lawyers who aren't going to be like that. I mean, I think the compassion, the client-centric, the great client experience, the putting clients first could all eventually become a real differentiator.

Harlan Schillinger:

It's interesting that you would say that. I had a client in Victoria, Australia, Henry Carras, that decided to take that route and not the corporate route, the exact opposite route, and he's actually flourishing. Now, they have different laws, different ceilings, and different caps, and so on that you're more familiar than I,

but his practice is flourishing because what he is selling, he's selling the absolute opposite of the corporate environment. What I scratch my head at is lawyers that copy other lawyers.

Michael Cowen:

Okay.

Harlan Schillinger:

Basically, when you get into this advertising thing, I think the thing not to do is to do what the other guy does and especially when you're choosing vendors. When you're choosing the resources that you want to surround yourselves with, I think the worst thing you can do is say, "Well, I'll hire him because he did a good job for this person."

Michael Cowen:

It seems like one strategy that on one hand would seem to make sense, but I know you don't like it very much is just if you're going to market yourself, see what's working for someone else and just copy it. Get the vendors they use. Get the messaging they use. If it works for them, it ought to work for you. What do you think about that approach?

Harlan Schillinger:

I don't think much of the approach. I think it somewhat works, but it's not the best approach for you to take because your personality is different. Your marketplace is different. The way you practice law is different. I truly believe that you should individualize yourself, that you should sell your own assets, you sell your personality. If I wanted to copy somebody, and I'm in San Antonio, and I wanted to copy somebody in Cleveland, is the Cleveland environment the same as San Antonio? It isn't. You've got to be an individual. The reason I don't want to copy other people... I didn't say I don't want to borrow or understand some great ideas, and then adapt them to my personality, but to hire somebody just because they did a great job for somebody else, I think that's being half pregnant.

Michael Cowen:

Then, you've told me that before I start marketing my firm to the public, that I have to really improve our intake and conversion systems. What do you mean by that?

Harlan Schillinger:

I think you have to build a bulletproof situation with intake and conversion time and time again. Look, Michael, the biggest hole in everybody's bucket, whether it's the biggest law firm, whether it's the John Morgan, or it's the smallest guy on earth, is intake. Everybody thinks that they capture everybody that they think that they want, and they don't. When you start having to answer your telephone, you've got to have absolute accountability because I'm telling you, there's leakage.

I'll give you a great example. My biggest concern with intake in our conversation is not having a process in place that follows the client. Not everybody is going to sign a contract on the first phone call, and as soon as that client gets into what we call the chase, now you're chasing after the client to sign the agreement or following up with the agreement, that's where your biggest leakage occurs. If you don't have the right systems in place and the right person with the right personality in that position, you will lose business, and everybody is losing business in that area.

Michael Cowen:

What are some things people can do to build those systems and find those people?

Harlan Schillinger:

I believe in having the right software and in choosing the right software. Software has personality. So whether you want to buy a Captorra or a Lead Docket, you have to really take a look at the software, look at the personality of the software, and then make sure that the personality of the software, the culture of the software matches the culture of your practice.

Michael Cowen:

What do you mean that personality or culture of software?

Harlan Schillinger:

Look at your telephone. An Android has a personality, and an Apple phone has a personality.

Michael Cowen:

Okay.

Harlan Schillinger:

Some people like Apple because that's how their minds work, and some people like Android. Software is the same way. So if I took a look at, on case management, the culture of hypothetically a smart advocate versus a file line, there are different paths to get to the same place, and that's what I call by personality. It's a hard thing to describe, what's the culture of a piece of software. Probably ground zero is how intuitive it is.

Michael Cowen:

For me, the scariest part is it's not only having to get it all right to get that contract signed by the client, but I think another source leakage is providing a really good experience during the first, especially, 7 to 21 days when the client has a natural... Everyone has a little bit of buyer's remorse. I booked a hotel. That didn't cost me money. I used American Express points to book the hotel to take a family vacation. Right after I booked it, I was scrolling through, and I saw two recent one-star reviews. I'm like, "Oh my gosh, did I make a mistake? Should I really book this hotel?"

I think the same thing happens to law firm. I mean, they sign up with you, and then if you don't do a real good job right at the beginning, I think you can have that buyer's remorse, and they may end up just ghosting you or going to another firm because you didn't give them that incredible experience right off the bat, especially when their car is not repaired yet, when they're needing to make sure that they get the medical treatment they need.

Harlan Schillinger:

Well, it happens. It's rampant, the situation that you're talking about. We work so hard, lawyers work so hard to get that client. They spend so much money and energy. Let's say they have the best intake in the planet. They sign the client up. Client is feeling like, "Oh my God, I just hired the greatest lawyer in the planet. It was so incredibly wonderful to me," and then they don't hear from the lawyer because the lawyer is doing their job, but they're not communicating what their job is to their client.

We talk a lot about expectations. When you sign a client up, you should really understand what... the client should understand, what their expectations are, and one of the poorest jobs that lawyers do is explain that. You're in the public relations business. You're in the psychiatry business. You're in the handholding business. You're in the fixing business. Think about that, and your victim is having the worst day or the worst situations of their lives. Why can't we treat people the way we want to be treated?

Michael Cowen:

Yeah.

Harlan Schillinger:

With software now and with opportunities you take, hypothetically, you use Lead Docket, if I'm not mistaken.

Michael Cowen:

I do. Yeah.

Harlan Schillinger:

There are built-in mechanisms in Lead Docket that you can use to hold the client's hands. Lawyers don't use them. When we buy a telephone, we use probably 20%, 25% of the phone's ability. We don't even know what the other 75% is. But if there's software, there's tools, there's a process towards holding the client's hand, then lawyers should look much more into it. They don't really think of it that way. They work too much... They work too hard to get the client and not enough to keep the client.

Michael Cowen:

I agree 100%.

Harlan Schillinger:

What's even worse, Michael, is six months into the case. Once they've accumulated the records, client, hypothetically, is in treatment. There's a lull in the case. I can't tell you very many lawyers that I know that really hold their client's hands at that stage, and that's even more vulnerable than the first 60 days.

Michael Cowen:

Yeah. Although I think the time between the crash and the time they get their car repaired... When someone is without a car, they're not in a good place.

Harlan Schillinger:

Well, you've taken their freedom away.

Michael Cowen:

Yeah.

Harlan Schillinger:

What you're describing is once you sign up with a lawyer, and you go home, and you announce it to your relatives, every relative has a better lawyer that you should have gone to.

Michael Cowen:

Yep, and it's like I tell our people, "You can spend all the money you want on billboards. But if every client, former client, every time they drive by tells the person in the car, 'Those people were horrible. That was the biggest mistake I made,' the billboards aren't doing you any good."

Harlan Schillinger:

I think it's a systemic problem in business. It's a systemic problem, certainly, in the legal arena. Communication is everything. How people feel is everything. People don't know whether they're going to get a big settlement, a good settlement, a great settlement. They just know how they felt in doing business with you, and we don't spend enough time doing-

Michael Cowen:

Yeah.

Harlan Schillinger:

There is very little compassion, unfortunately, in our world, and I think that's the biggest crime that's taking place right now in this whole business.

Michael Cowen:

But it's also the biggest opportunity for the lawyers and law firms that are willing to do it.

Harlan Schillinger:

It has to be in your DNA. You have to have compassion in your life. I know so many lawyers that have gone into this practice for the money, and my golly, you know it's an extremely lucrative profession. An idiot can make a heck of a living and be a bad lawyer, but it's interesting. Some of the greatest lawyers that I know, several of my clients, big deal lawyers, really, the big guys are the most compassionate, believe it or not, Mark O'Mara and Mark Geragos. Even back in the Mel Belli days, I remember sitting across from Mel and him absolutely saying, "Ah, I got to take this call. It's my client. I don't know what it's about. He needs me."

I'll never forget that. You might have been second or third grade at the time. He was, at that time, one of the biggest lawyers that were out there, but it's compassion that will drive. I mean, think about people that you admire. What do you admire them for, the amount of money that they make or how they treat people? Nothing can replace treating people well, nothing, and we don't do enough of it. So if you want to be an outstanding lawyer, an outstanding human being, you want to thrive in a sea of insensitivity, be sensitive, understand the word "compassion." You can't teach compassion to somebody that has no compassion.

Michael Cowen:

Then, I think not only do you need to do it yourself, but you need to hire for compassion and make sure that the other people you work with that are going to talk to the clients show the same compassion.

Harlan Schillinger:

Well, Michael, that brings us into a subject that we probably don't have the time to get into, which is culture.

Michael Cowen:

Yeah.

Harlan Schillinger:

One of the things that I noticed is... Well, you're a member of Chris, and one of the things that Chris does is teach culture. Not one of the things. That's his cornerstone. Why is it that he is one of the only people in our entire industry that teaches culture? That's what I really love about him, Michael, the fact that he teaches culture, and I think culture is so important. When you talk about the kind of people you hire, the kind of person you marry, the friends that you have, what's the overall... What do you all have in common? What's the cultural aspect of it?

Culture is the most important thing in your law firm. It's how people judge you when you're out of the room. That's character. That's culture. What kind of culture do I want? Do I want to have a hostile culture? Do I want to have a culture when I walk into my office, everybody is on the same team? I always use the NFL as an example. You can certainly... whether it's college or NFL. I know you're a big college sports guy. I mean, look at what Nick Saban has done. Oh, your alma mater, ATM. Is that the right answer?

Michael Cowen:

A&M. Yeah. A&M.

Harlan Schillinger:

A&M?

Michael Cowen:

Yeah.

Harlan Schillinger:

The culture that-

Michael Cowen:

We don't want to talk about that culture sometimes, but...

Harlan Schillinger:

No, but look at the culture-

Michael Cowen:

Our fan culture is great. Yeah.

Harlan Schillinger:

But the culture. They bring kids in. They teach them how to be men.

Michael Cowen:

Yeah.

Harlan Schillinger:

They teach them how to work with your fellow player. They teach you how to study, how to get through your grades. It's the culture that will define you and define your practice.

Michael Cowen:

Yeah. To me though... Now, I just finished reading a book about culture by an author named Ben Horowitz. Actually, I have my phone upside down so I don't look at it, but I don't want to look at the name of the book because I got a lot out of it, even though it's a... It was called What You Do Is Who You Are. I think the hardest thing with culture is it's not about the posters and the T-shirts you have, and what your values are.

It's what you do every day, and most importantly, it's like what you do when you have to make tough decisions, when you have the temptation to take a shortcut, when you have to stand up for something, when you have to say... point something out that's not pleasant to point out because it's uncomfortable to point out when you think people are acting contrary to the culture that you want to have and you have to have an honest, candid conversation with them in a loving way, but still in a firm way like me, almost like being a parent or a good best friend that will call you out when you do wrong, and that's hard. It is hard to build a good culture.

Harlan Schillinger:

Well, first of all, I think culture starts with character. In order to have good culture, you have to have good character. You have to have a plan. Getting back to how we started this podcast, you have to know who you are, how you want to be, how you want to be perceived, and it has to be genuine.

Michael Cowen:

Yeah.

Harlan Schillinger:

Culture is a tough thing to understand. You understand bad culture more than you understand good culture. One of the gold standards of good culture and a good atmosphere is the Ritz-Carlton. They have a policy. They embolden their people to make decisions. Their policy is to make the client, the customer standing in front of you happy. Now, some people, you can never make happy, but it's how you treat that person. It's how you greet that person. It's how you feel towards your customer is the culture that we're talking about.

There are lawyers that... and I hate to say it's the abundance of lawyers, but truthfully, the majority of lawyers that are out there, they don't like their clients. Well, why would I want to hire somebody that doesn't like me, or doesn't respect me, or looks at me just as a number? That's a cultural thing. Culture is an undefined description, an undefined word that, really, is what people think of you when you're out of the loop.

Michael Cowen:

But it's so important. It's so hard, but it's so important.

Harlan Schillinger:

It's the most important thing that we can think about... talk about because it's ground zero for everything. What is the culture? We talked about culture in a piece of software. What's the character of it?

Michael Cowen:

That's where I'm putting a lot of my work right now. Probably 75% of that work is on myself to have a better culture, and then 25% is on talking to other people and enforcing it with other people, but it has to start with the leader, and then move out from there. I think you can say you want a culture of integrity, a culture of hard work. But if you lie, if you don't keep your promises, if you show up late and leave early, well, then your actions are inconsistent then with what you say the culture is, so you have to walk the walk.

Harlan Schillinger:

You have to walk the walk, and you know that. When you're interacting with people, people say a lot of different things, but what they do is the only thing that really counts.

Michael Cowen:

Well, I have really enjoyed talking to you, and I'm really excited because I get to spend the rest of the day working with you offline on my practice. We've really enjoyed getting to know you over the last few months. For the listeners, if other people want to get to know you more and ask you a question, maybe even work with you, how can they find you in the world?

Harlan Schillinger:

Simply google me. Google "Harlan Schillinger." I think 8, or 9, or 10, or 15 pages will come up. Hopefully, it's good. I like to believe that you are who you are. Whether you're going to look at what I do or somebody else does, do your homework. I'm more of an open book than anything.

Michael Cowen:

Absolutely, and we'll put a link to your website in the show notes.

Harlan Schillinger:

I appreciate that.

Michael Cowen:

Well, thank you so much, and thank you everyone for listening. Please join us next time on Trial Lawyer Nation.

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