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## Bylines Build Business: How to Get Published

*By Steven A. Meyerowitz*

Lawyers who write for magazines and newspapers on legal issues are taking one of the most professional, productive and cost-effective steps they can to attract new clients and cement existing client relationships.

Even lawyers who generally want to avoid marketing and who certainly want to avoid advertising can write. An article by a lawyer is not just puffery. It provides substantive information that carries with it the implicit endorsement of the editor and the publication that the lawyer/author is an expert in a particular area of law.

The hard part about writing to attract new business is deciding to do it. Once a lawyer makes that decision, there are 10 steps to take to follow it through to fruition.

### 1. Create a Plan.

Now is an appropriate time for lawyers who have not marketed their services in the past to develop a marketing program. For instance, a lawyer can set a goal of writing four or six articles in 1994. Individuals or lawyers in the same practice group who publish frequently are able to get their names before potential clients and to remind existing clients of their presence on a regular basis, which is key. It simply is not worth the effort to publish an article now and then.

### 2. Choose a Subject.

It is easier, more practical and more valuable to write about what you know. A securities lawyer should write about

securities law, but the subjects can reflect the breadth of a lawyer's knowledge. Thus, a banking lawyer may be able to discuss environmental issues as they affect banks, perhaps using that article as a base from which to write about other environmental matters.

### 3. Focus the Topic.

There is an unlimited number of topics to write about. To develop a particular concept for an article, lawyers should review briefs filed and decisions they have obtained, compare decisions from local judges to those in other jurisdictions, examine subjects researched by associates, and read law review or law journal articles that discuss subjects of interest to particular trade publications.

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Another method is to explore a question raised by a sophisticated senior level client. It is not foolish to assume that other senior level executives at other companies in the same industry might have the same question; the subject matter of the question can form the basis for an article.

The focus for a particular article should be narrow. For example, a lawyer should not attempt to cover the complete environmental liability scheme that has arisen over the past decade. Instead, a bankruptcy lawyer could explain how environmental cleanup claims are treated in bankruptcy; a tax lawyer could analyze the deductibility of cleanup expenses; a corporate lawyer could examine the effectiveness of environmental indemnities; and an insurance lawyer could write about recent developments regarding the pollution exclusion clause contained in comprehensive general liability policies.

Narrowly focused articles allow the lawyer/author to cover the material in a reasonable length and to provide specific information. They also permit follow up articles on related issues; having many bylined articles is better than having one.

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#### **4. Target Appropriate Publications.**

While an op-ed piece in the *Wall Street Journal* or an article in the Business Section of the Sunday edition of *The New York Times* can provide tremendous exposure, the likelihood of being published in either of those places is quite small. The good news, however, is that for lawyers who have client development as a goal, being published in the *Journal* or *Times* is not necessary to get the job done.

Lawyers who know the audience they want to reach can find a publication intended for those people. CFOs, in-house counsel, the wealthy and other groups have publications tailored to their interests. As a consequence, a lawyer may find a dozen different places to publish. Many of these magazines and newspapers are sold at newsstands; others are listed in directories that are available in most libraries. A lawyer also can ask a client for the names of the trade journals the client and others in the industry regularly read.

#### **5. Check First.**

Before beginning to write, a lawyer should review back copies of the tar-

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geted magazine or newspaper to make sure that it has not published any articles similar to the one planned. A NEXIS search can help.

Then, the lawyer should contact the editor by phone or letter to determine whether there is interest in the article. If so, the editor can be sent a short confirmation letter, which does not guarantee publication, but if the article is what the editor was promised and is well written, it should be published.

## **6. Gather Background Materials.**

In writing about law, as in practicing law, being well prepared is crucial. When lawyers write about something that they do not directly deal with in their own practice, they should obtain as much information as possible -- from briefs filed by both sides with the court that issued a leading decision; the relevant cases cited in the briefs (updated if necessary to reflect the most current decisions); applicable statutes or regulations; and articles from legal publications, trade journals and newspapers.

## **7. Write the Article.**

Whether a lawyer writes an article from scratch, relies on associates to prepare

a first draft, or uses an outside consultant to help write, edit or place the article, the article should be readable, interesting, informative, to the point and the proper length (as determined by the target publication's style). It should be written in plain English and not legalese even if the intended audience consists of lawyers, because even lawyers prefer to read articles in plain English. Furthermore, some of the readers may not be lawyers and some of the people to whom the lawyer/author may want to send a reprint may not be lawyers.

The article also should be submitted on time. Editors may rely on having an article in hand to publish in a certain issue. A lawyer who fails to meet that deadline can hurt the editor and the editor's publication and jeopardize any chance at developing a long-term relationship.

## **8. Follow Up.**

After sending an article to an editor, a lawyer should promptly call to make sure the article arrived. A follow up call may have to be made if the editor does not speak with the lawyer within a reasonable time to discuss the article and whether it will be published. A lawyer should be available to work with

the editor to discuss changes and should be willing to agree to those changes, especially if they only are stylistic.

## **9. Make Good Use of It.**

Part of what makes article writing an efficient means of developing new business is that published articles can be used in so many different ways. For instance, in addition to reaching the initial readers, reprints can be made (usually with the consent of the publisher) to send to existing clients, contacts and referrals sources who may not have seen the published piece. This new audience can be reached for the price of photocopying, postage, and secretarial time.<sup>1</sup>

## **10. Thanks.**

Once an article has been published, the lawyer/author should drop the editor a thank you note. It is the polite thing to do, and because few people take the time to do it, it will help the lawyer stand out in the crowd and enhance the possibility of having the editor publish another article in the future. ■

1. For a discussion of what else to do with a bylined article after it is published, see Meyerowitz, "Getting the Most Out of a Bylined Article," *NYLJ*, April 24, 1990 at 4.