



# BUILDING AND SUSTAINING A SUCCESSFUL ADR PRACTICE

*By Gina Miller, JAMS Vice President, Southwest Region*

I know everybody and everybody knows me. That's often the first thing I hear when I meet with legal professionals who desire a successful practice in ADR. You would be surprised at the wide-eyed stares I receive when I respond, "That's great, now how do we get all of those people to choose you as a mediator or arbitrator, and also pay for your services?"

Unfortunately, in today's business climate, it takes more than just a large contact list to have a thriving commercial ADR business. In my 22 years of working directly with neutrals, I have concluded that while name recognition is important, it is more critical to have a proper plan in place to continue generating business and building up your own ADR brand.

First, consider developing a plan of action and establishing a realistic timeline. Start by defining what and who it is you want to be known for—in other words, branding yourself. Twenty years ago and even today, retired judges consider themselves generalists. That might be true, but over time it has become more crucial to be known as an expert in specific practice areas, especially for non-judges.

Think about it this way: If you needed open heart surgery, you most likely would seek the services of an experienced cardiologist and not a general practitioner. For the past several years, the same thing has happened in ADR. Clients are requesting practice area specialists.

Here are a few suggestions to consider when building your brand:

a) Target markets with growth potential that would be most receptive to your style. For example,

there seems to be many ADR professionals with Personal Injury (PI) experience. Those attorneys with PI disputes have plenty of options to consider when the need arises for a mediator or an arbitrator. On the other hand, if you considered becoming an expert in aviation law, for example, your specialized experience might give you an advantage, leading to quicker results in building a successful practice. Begin with one or two specialties before branching out to others. Within a few years, the market will determine your true specialty.

b) Develop a compelling biography that provides more than just your ADR experience, qualifications and some details about the cases you have heard. Think about adding some comments regarding your approach to settlement, what clients can expect from you every time, what you are known for, testimonials from attorneys, etc. Include enough information to arouse the interest of potential clients. Also if you do not join an ADR provider, consider developing a website that lists your biographical information, articles, presentations and other relevant information.

c) Network. Eating the chicken dinners is not the only good thing that happens at networking events. Being visible at legal bar events will build your reputation as someone who is involved in a specific area of law, and your face and name will become familiar to those who may not know you personally.

d) Advertise. Oftentimes neutrals believe that having their picture in the paper will get them more business. While a photo will enhance your exposure, consider the open heart surgery analogy. Would you select a cardiologist based on their picture in a medical publication, or would you find it much more

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valuable to select the doctor based on his or her experience and reputation? If you are going to advertise, advertise your reputation.

e) Write articles and volunteer to sit on speaking panels. The better known you are as an expert in your desired field, the better chance you will have in expanding into other practice areas.

In addition to the above steps, there are other ways to let the world know that you have arrived. Remember, you know everybody and everybody knows you. If that's the case, start there. Announce yourself by making calls, asking for referrals, finding a purpose to email or write letters to potential clients. Keeping neutrality in mind, consider using social media as a way of "getting the word out."

Find a mentor. As someone who has been in the legal community for many years as a judge or an attorney, it might be difficult to think that you need a mentor, but that is a good way to develop skills and make important contacts. A mentor should be available to provide you with suggestions on your approach to resolving cases and most importantly, allow you to observe or even participate in mediation. This will allow you to indirectly demonstrate your skills and expand your circle of reputable ADR contacts, which can lead to valuable referrals.

While these tools are important, being visible is the most important thing anyone can do to build their career. Volunteer by participating in various court programs. That's the perfect opportunity to demonstrate to potential future paying clients your style, process expertise, technique, experience and knowledge. Once you have experienced success in that forum, clients will seek you out on future cases. There are a number of networking events throughout the week. Find one and find out what interesting cases others are working on, offer them something different or unique to think about. At the same time, even though your purpose is to build your practice, you don't want to give the impression that you are out pounding the pavement for business. The impression that you want to leave behind is that you are someone who understands how to settle interesting cases involving the current trends within the attorney's practice area.

Within the first six months, you should have selected a practice area specialty, created a compelling bio, become a familiar face at networking events, found a mentor, initiated speaking opportu-

nities, written articles, advertised your reputation in legal publications, participated in court settlement programs and used social media. Within a year, you should have a few cases under your belt. Hopefully you were prepared, knowledgeable and resolved the disputes.

Post-hearing, you want to know what the clients perceive you did differently to resolve the case, what value you demonstrated in the overall process and why they will come back to you again. Ideally, your clients will say that you helped to manage expectations, your style and approach was flexible, you were knowledgeable about current trends and court rulings and you have an innate ability to be creative in getting the case to resolution. If clients leave with that impression, they will tell their colleagues, their clients will be happy and you will be thought of again. That's absolutely the best marketing you could ever have.

Even using these techniques, the ramp up time can vary. It is important to be patient, persistent and resilient. As one of the founders in my organization says, "If your practice isn't growing, people may not know where you are and that's a marketing issue. If they know where you are and are not coming back, that's a training issue." There are only two reasons why people won't use you. Either they don't know who you are or they do know who you are. If it's the latter, you may have a steeper road, but the path is the same. The timeline never ends, your plan should be flexible and subject to revision based on changing trends, and you should never stop being part of the legal community even when you reach your goals. By staying up to date with the current industry issues and one step ahead of recent developments, your clients will believe you to be a true expert in the field of ADR, and that is probably the best recipe for ensuring long term business success. ■

*As Vice President for JAMS Southwest Region, **Gina Miller** oversees all of the region's Resolution Centers (including those in Texas and Nevada). Since joining JAMS in 1989, Ms. Miller has become an expert in mediation and arbitration practices. She has developed numerous programs to train neutrals in marketing, business development and mediation skills. She is responsible for creating new business opportunities and overseeing the implementation of regional and national marketing initiatives. Additionally, Ms. Miller works closely with the regional advisory committee to assist with panel recruitment and serves as the regional representative on the National Operations Committee on the implementation of policy.*