

## **20 Steps to Building a Mediation Practice**

**by Jeff Morris, LL.B.**

1. **FIND A NICHE** Defined your niche and build a practice around your substantive strengths. I inventoried what I knew and where I could add value to the mediation process. In one paragraph I defined what made my practice unique. But I went deeper, to define the personal core values that I bring to the table. For example, a core value is persistence, in that I don't quit and I'll go the distance. Everyone comes from another field or vocation, so you come fully formed. Build on what you have. If you have experience and strategies from other fields, you can apply them in mediation.
2. **HONE AN ELEVATOR SPEECH** I worked on an elevator speech, which is a brief concise description of who you are and what you do and I incorporated that in all of my marketing activities. It is also very important to maintain a common theme throughout your marketing. Using the same messaging for your marketing creates your 'brand', which is what will be remembered about you as a potential mediator.
3. **CREATE A PROFESSIONAL WEBSITE and LOGO** I put up a professional website and embodied what made me distinct from other mediators and highlighted my experience and background in a detailed bio. I had a professional photographer take a picture and made that a central focus. People are hiring me, not a company. The website is therefore about me. I included anonymous testimonials on my homepage. That helps establish credibility and trust. Don't use homemade looking logos, business cards. You **MUST** have a very professional look and feel. You need a polished brand in everything you do.
4. **SUBSCRIBE TO AN ONLINE CALENDAR** I subscribed to the ADRweb.ca calendar service. Another service is mediatorates.com. I update my calendar on that website and then a mirror copy automatically appears on my website. Potential clients can also go to ADRweb.ca and search for suitable mediator. It runs \$40 a month, but is well worth it.

5. **SEARCH ENGINE OPTIMATION FOR THE WEBSITE** I made sure that I optimized my website for search engines by using keys words that my ideal clients would search to find a suitable mediator e.g. “employment mediation” Also, Google places you higher in the search engine listings if you have extensive links back to your site. For SEO professional help there are two reputable companies I have had experience with that offer this service [www.Paperstreet.com](http://www.Paperstreet.com) and [www.Justia.com](http://www.Justia.com). In addition, if you blog and post articles on the web, search engines will pick those pages and link back to your website.

6. **SET UP GOOGLE PAY PER CLICK** Google is the new Yellow Pages for business. I set up a Google pay per click campaign so that my mediation advertising appeared on page one of Google search in the GTA. Be careful to test this service, as it can be quite expensive and you need to ensure you are getting sufficient results to justify the cost.

7. **CREATE AN EMAIL SIGNATURE** In the bottom of each email, I set up a custom signature that advertises my core practice in each email I sent and the signature has a link to my calendar and website.

8. **JOIN LINKEDIN** Social media is now key and I joined a number of mediation discussion groups on LinkedIn.com and posted my profile. Find groups that have your ideal clients and get active talking.

9. **WRITE HUNDREDS OF LETTERS** I began an exhaustive letter writing campaign. I defined who my ideal client was, or a chief referral source, in my case, litigation lawyers, and I mailed 50 to 75 letters a week to these lawyers. Remember to go back to step 1, which is to reflect your distinctive attributes in your letters. My experience is that you will get about 1 % response rate from direct mail. So, if I sent out 500 letters, I likely got somewhere around 5 mediations, at most. But if they became repeat clients, this creates a lot of leverage over time.

In these letters I included a brief introduction, my rates and my business card and a one-page glossy CV with my picture (on my website as well), background, experience and education.

10. **START WITH BARGAIN FEES** Speaking of rates, in the beginning I offered to mediate at Roster rates and decided that I would open my business at the very low end of the fee scale and then

move my rates up slowly as I got busier. I could afford to lose 10% of my clients after a fee increase, as long as I was building my practice by 15% or more at the same time.

11. **GIVE AWAY MEETING SPACE** I rented office space in the first 5 years and gave away free mediation space to parties for the mediation venue as a loss leader.

12. **HIRE A VIRTUAL ASSISTANT** I hired a virtual assistant who answers my phones and gives me a professional sounding presence and who can take bookings. Go to the Canadian Virtual Assistant Network [Canadianva.net](http://Canadianva.net) to search for a VA.

13. **BE A SPEAKER** I sought out speaking engagements in my field of expertise in front of ideal clients e.g. OBA and the LSUC

14. **JOIN ASSOCIATIONS** I joined associations and went to meetings where my ideal clients socialized or were educated.

15. **WRITE ARTICLES AND BLOGS** I wrote articles and submitted them to journals and magazines that served my ideal client base. I currently write for *Condobusiness* magazine. Send your published articles to your ideal clients, contacts and referral sources. Post them on your website.

16. **CREATE AN EMAIL DATABASE** I created a database of email addresses every client, every contact and every referral. However, I never sent out spam. Rather, once or twice a year I would email out a piece of very valuable information about mediation rule changes or other developments in the field that would be of significant interest. I would get thanks and rarely did anyone object. I never tried to make it a sales pitch. My email, with valuable info, just might stay in their inbox or computer and then they would always have my contact info.

17. **FACE-TO-FACE MEETINGS** I invited ideal clients for lunch to better understand their needs and what they were looking for. It was not a sales meeting, but rather, I simply tried to get to know the potential client and develop rapport and trust at that meeting. You must make a great first impression. Read the book: "How to Make People Like You in 90 Seconds or Less" by Nicholas Boothman. Consider hiring an image consultant. You must have updated hair,

glasses and clothes and look the part for your practice. Be memorable.

18. **JOIN ROSTERS** I joined the Ontario Mandatory Mediation Program Roster. I would encourage you to seek out and apply to join every roster you are qualified to serve for.

19. **SELF ASSESS** Above all you can market all you want, but if you never get rehired by the same client for a second mediation, you really need to ask yourself, or even the client, why not. After every mediation ask yourself 1) What did I do well? 2) How can I do it better next time?

20. **PERFECT YOUR ART** "*painters paint, mediator's mediate*" I volunteered to mediate at Small Claims Court in another province to get experience. So you should do pro bono and volunteer mediations at no cost to get at least 5-10 mediations under your belt. Then you will have confidence to go out to your market. I continued to study from the best mediators to help advance my skills. To that end, I went to at least 2 major professional development conferences a year. Two of my favourites are the Strauss Institute in Pepperdine University in Malibu California which in June and the annual conference of Association for Conflict Resolution which is in New Orleans September 13-15. I also recommend the ABA's and CBA's dispute resolution local and national meetings. Also, consider joining a study group, support group or finding a mentor or coach.

## Conclusion

The goal is to establish in your ideal client's mind that you are a mediator; that you are available for cases; and that you are capable and committed to practicing in the kinds of cases they have on their plate.