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SECRETS OF
Lawyer Video Marketing

IN THE AGE OF **You Tube**



GERRY OGINSKI



Throughout this book you'll notice a square bar code called a QR code (quick response code). Use your smart phone to scan the QR code. Doing that will take you to the video Gerry is talking about. You need a free app that allows you to scan this code. If you don't have this free app on your phone, go to the app store and search "QR Reader" and download a free QR reader to your smartphone.

SECRETS OF
**Lawyer Video
Marketing**
IN THE AGE OF **You** 

GERRY OGINSKI

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There are few people in this world who can multitask and accomplish great things. One them, and the greatest person in my life is my wife, Wendy. She has enabled me and encouraged me with all that I do. She is the center of my universe. My four fantastic kids, Joseph, Shari, Mia & David are my guiding light that propels me to new heights in my career as an attorney and video marketer and most importantly, as a father.

I want to thank my business partner, Harry Brockman for his guidance, wisdom and experience in TV and video along with his wonderful and brilliant wife Kathleen (my production manager). Much gratitude goes to Joe Kalange for his technical expertise in making our video magic happen behind the scenes.

I want to thank Fairfax, Virginia personal injury attorney Ben Glass for getting me started on the road to education-based marketing so many years ago. Finally, I want to thank my mentor Kevin Nations on teaching me incredible new ways to understand the transformational value of what you have to offer others.

Thank you all. You are truly inspirations in my life.

Gerry

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I'm a Lawyer, Just Like You

A BEHIND-THE-SCENES STORY OF AN EXPERIENCED ATTORNEY WHO LEARNED HOW TO MARKET HIS SOLO LAW FIRM WITH GREAT SUCCESS

You're stressed. Dealing with clients all day is exhausting. Being on the phone and having to put out legal fires is tiring. Dealing with obnoxious adversaries is annoying. Handling disagreeable clients is part of your job. It's all part of being a lawyer. I know. I'm a lawyer. A medical malpractice lawyer. A trial lawyer. I practice in one of the most competitive legal markets in the country, New York. I know exactly what you deal with. I've been doing it for more than 23 years.

I know many lawyers who complain that they can't stand the practice of law. They bitch and moan while sitting in the lawyer's lounge in court or while waiting for their case to be called in a jam-packed courtroom with 100 other lawyers. They complain that their workload is overwhelming, their

clients are demanding, and the number of new clients is dwindling daily.

These same lawyers claim that their current advertising and marketing is not producing the same number and quality of cases that it used to just a few years ago. They agonize about how much it costs for a full page ad in the yellow pages and whether it's still worth it. Their referrals are down, and the firm is having cash-flow problems. Layoffs are in the foreseeable future if things don't improve. I sympathize with these lawyers, but I don't feel bad for them.

Why not? Because I was in their shoes.

AN EXPERIENCED ATTORNEY GOES OUT ON HIS OWN

I was a struggling solo practitioner who had left the comfort of my large law firm to open my own practice. I had taken all my cases with me when I decided to start my very own law firm. That worked well for two years. I thought that since I was well known in my legal community that the cases would automatically flow into my new office because of who I was and my prior experience getting results for my medical malpractice and personal injury clients. Hah! Although I was very experienced as an attorney, I was green and wet behind the ears from a business standpoint.

I had done everything right. I found an inexpensive office. My overhead was low. I had a nice caseload. I had a bank willing to work with a new law firm if cash flow got rough. Then

when my cases started to settle and get resolved by going to trial, I'd return back to the office wondering why I was not replenishing my caseload with new cases to take the place of ones I had just resolved.

That's when I would stare at the phone, literally, wondering when and if it would ring. I started getting worried when my secretary would remind me that my cases were dwindling and I needed to do *something* to generate more cases. The calls were not happening. I started to panic. I began looking at what other lawyers were doing to generate cases in their office. I mistakenly assumed that the advertising other lawyers in my field were using were working and cost-effective. "If it's working for the biggest lawyers in my town, then it must work," was my thinking.

THE WRONG MINDSET

I started with display ads in promotional books. Then went to classifieds in my local newspaper. I called the yellow pages rep, believing that if I created an ad just like the other lawyers had, then surely I would get *some* calls.

Day by day I was getting more and more desperate for ways to make the phone ring. My cash flow was trickling and I had expenses. I had to pay the rent, pay my secretary, pay my vendors, and still take home a paycheck. The yellow pages rep told me that they would design my ad and I'd "love it." Hah. Little did I know that they designed all the ads and there was no way to distinguish one lawyer from another.

I tried every method of attorney advertising except for billboards. I even did a TV commercial. I will tell you that of all my marketing, my yellow pages ad was the most expensive. It also had the worst ROI (return on investment). Each of the methods I used did generate one or two clients that would pay for the cost of the marketing, but rarely more.

I was still frustrated and anxious. There had to be a better way to market myself and get new cases and clients without breaking the bank. I also was looking for a way to get a continual flow of clients without having to pay referring attorneys a referral fee. Don't get me wrong. Attorney referrals are a great way to build a practice. However, in New York the attorney's fee on a medical malpractice case is a sliding scale that only starts at 30 percent and decreases by 5 percent as we get more and more money for the client. To give a referring attorney a large fee on top of the small fee we might generate simply didn't make good economic sense.

At that time I started to learn about websites and blogs. If you remember, in the "early days" attorneys only had static websites that contained their credentials—nothing more than what was in their Martindale-Hubbell listing. A little while later, a tiny little website came on the scene that allowed people to upload their video clips for anyone to see. I couldn't understand the point of putting video online for others to see. It just made no sense.

Want to know the name of that small video website? YouTube.

Just like attorneys had no idea what to do with their novel websites and blogs, attorneys had no idea how to use YouTube to our advantage.

Some enterprising lawyers took their TV commercials and put them on YouTube, “hoping” someone would watch their 30 seconds of drivel that said, “Come to me because I’m a lawyer and I’m here.” What bothered me was that none of those TV ads ever explained why. “Why should I come to you?” “Why are you different than those other lawyers?” They never took the time to explain. I thought there had to be a better way.

NO ONE TO MENTOR ME ABOUT MARKETING

Remember, I’m still practicing law; trying cases, handling depositions, seeing new clients, and dealing with the paperwork back in the office. I’m answering the phone anytime a potential new client would call. In fact, I’d drop what I was doing to answer a new call any time of day. I had no idea that there was a better way to practice law. Nobody in law school ever explained to me the business of law.

None of the law firms I worked for ever took me aside to teach me the economics of practicing law. The bar associations didn’t have classes, seminars, or experienced attorneys who would take me under their wing and explain the realities of running a real law firm. Instead, I learned by trial and error and by bouncing ideas off my close colleagues and friends. If only I knew then what I know now.

I learned pretty quickly that lawyers had no idea how to use video. Sure there were some innovative lawyers who were using their websites to educate their consumers, but those were few and far between. Most people still didn't use Google to search for things as they do now. Google was then a noun and not a verb yet.

When YouTube came online, I started to experiment with video. I didn't know any lawyer who was using it as an educational tool to educate their online viewers. There were no video companies who were teaching lawyers how to do it either. I did see some lawyers take their videotaped CLE lectures and put them online. Why? Just to put something online to show if anyone looked. The problem was that nobody was looking, and nobody wanted to watch an attorney talk for an hour about some arcane area of law.

THAT "AHA" MOMENT

It was around that time that two really smart business marketing guys started talking about education-based marketing. Having never been exposed to marketing, I was fascinated. These two people were actually advocating giving information away online. Lots of it. Information that your ideal client, consumer, or customer needed and wanted. They wrote articles and blog posts about it. They taught it. I read it. It really made sense.

By this time websites were evolving from primitive to slightly improved. Photos of lawyers started appearing on their sites.

Flash animation took over those boring lawyerly images of courthouses, gavels, and flags. Still, most lawyers didn't have a clue about education-based marketing, the premise behind which was to educate your consumer. By doing that, you established yourself as an expert without ever having to say you're an expert.

Remember when I told you that lawyers had no idea what to do with video? Well... I had an idea. I thought, why can't I create video that is educational and informative to people who are searching for a medical malpractice and personal injury attorney? Why can't I give them information in a way that *shows* them I know what I'm doing?

I was still looking for ways to effectively and ethically advertise my legal services. Paying \$25,000 for a full-page ad each year was losing its novelty. Being on page 9 didn't help either. The classified ads got me zero cases. The TV ad generated a few leads, but no valid cases. The display ad generated tire kickers but no good cases. I was still doing something wrong. My referral base was good, but those lawyers also were not seeing many good medical malpractice cases.

Does Video Marketing Work?

THEY MISSED THE TUMOR RIGHT IN FRONT OF THEIR EYES

A 30-year-old home health aide was taking a patient to the doctor's office for a follow-up visit. The van she was riding in was involved in an accident, causing her to hit her head. Ironically, the accident happened right in front of the emergency room.

The hospital did everything right. They did all the right tests. They even performed an MRI of her head. "Everything was fine," they said. They sent her home to follow up with a doctor if needed. Six months later her vision got blurry. It continued to worsen day by day.

Within two months she was blind in that eye. It turns out that the MRI of her head in the emergency room showed a brain tumor that was encroaching on her optic nerve. The radiologist at the hospital actually saw this. The only problem was that nobody told the patient about it.



This woman came to me after watching a video I created about a gentleman I represented who had lost vision in one eye. This woman's case generated a settlement of \$1 million immediately prior to trial.

WORKING WITH GERRY HAS BEEN VERY REWARDING, VERY EDUCATIONAL & VERY INSPIRING

“Hello. I’m Brent Adams, a North Carolina personal injury lawyer with offices in Raleigh, Fayetteville, and Dunn, North Carolina. I just finished an amazing day



with Gerry Oginski and Harry, his production assistant. And I wanted to tell you, they made me work. They made me work hard, but at the end of the day, I’m extremely happy with the product that they have produced. They have put me at ease in making videos.

They have shown me how to communicate with my potential clients and it’s been an amazing process. It’s been very rewarding, very educational, very inspiring. And after having received the benefit of their help and guidance, I feel that I am now prepared to prepare videos on my own – with their help, of course, and continued guidance.

But I can have the freedom and the ability to sit in my office and an idea come to me and I’ll have the video camera right there, set up the video camera in just in instant, and make a video that will be projected out to my potential clients and my existing clients. And it’s just been an amazing asset that I now have.

I now have the quill in my arsenal to make me a better lawyer, a more productive lawyer, a more profitable lawyer, and to help us generate some really worthwhile cases that I'm looking for. And I appreciate Gerry's and Harry's help and I would highly recommend their services to you and urge you to give them a call – sooner rather than later.”

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**CLICK ON THE QR
CODE TO WATCH
THE VIDEO.**

A Budding Video Producer

I started creating video using my built-in camera on my Mac computer. I didn't have a video camera or wireless microphone or special lights. I had to ask my kids to show me how to use the iSight camera (that little pinhole webcam on my Mac) to create a video. I can laugh about it now, but when I saw the results of my first video, it was the worst thing I had ever seen. Really. It was bad.

It was dark and pixelated, and the sound was terrible. I thought that nobody would watch this because the quality was so bad. I didn't know any better, and I didn't have any video equipment that would get me better quality. What I did know was that I had content that prospective clients needed to know. I had information they needed. I knew the law. I knew how things worked. I knew how to get injured victims compensation. They didn't.

That very first video I created was like no other video online at the time. Yes, it was awful quality, but it had something that nobody else had. Useful content. The title? “How to Hire a New York Medical Malpractice Attorney.” I struggled to figure out how to edit it and upload it to YouTube and was so exasperated when I watched it for the very first time online. It was even worse than it looked on my computer—more pixelated, darker, and garbled. Argghhh! Very frustrating.

I’d spend hours playing around with the video settings on my computer and the editing program to see if I could figure out, by trial and error, what the heck I did wrong. I knew I couldn’t leave that video online in the condition it was in. I quickly deleted it and started over again.

I had depositions the next day and I had to prepare. I had trials coming up and had to prep my cases. I had new client meetings I had to prepare for and didn’t have time to figure out how to get new clients in the door in a systematic way. I was still frustrated and angry with myself for not knowing someone who could do my marketing for me. Since my cash flow was hurting, I couldn’t afford to hire a public relations company or an ad agency to handle my marketing. Social media hadn’t been invented yet, and I still didn’t know what to do that would turn my law firm into a self-sustaining business with a constant flow of qualified callers and clients.

I still had this nagging feeling in the back of my mind that video was the key. Video would be “it,” I thought. It would

allow someone looking for me to get to know me before they ever called me for an appointment.

I started looking for video production companies to teach me what I didn't know. There were no production companies willing to teach. A few independent video guys had technical tutorials explaining how video is processed and rendered. I bought a tutorial CD from a guy in New York who took three and a half hours to explain the settings he used for a video editing program I didn't have and couldn't afford. That was a waste of money and three and a half hours of my time that I'll never see again. That CD sits proudly on the shelf above my computer as a reminder of the tremendous effort and energy I put into learning how to create online video.

A REVELATION

After I redid my initial video and uploaded it, something fascinating happened. I got emails and phone calls from people who watched my video. I was amazed. "Why did you call after watching my video?" I asked. "Because you offered information that nobody else did," came the reply. (I don't give legal advice in my videos.) That got me energized and excited. I started to create videos about different topics. I edited those and uploaded them as well. It was extremely time intensive, especially since I had to do this by trial and error. YouTube was still in its infancy, and lawyers still hadn't caught on to how useful video was.

Fast forward to today. I now have over 600 educational videos that are online working for me night and day to market my solo law firm. How is it that a little solo practitioner from a suburb 20 miles outside of New York City is able to compete with the biggest law firms in Manhattan spending millions of dollars to market their law firms?

How is it that a little solo attorney is able to generate consistent calls and emails to his office?

The answer is using video.

That's my story. I'd love to hear yours.

TRADITIONAL WAY TO CLOSE A POTENTIAL CLIENT

In order to get a potential client to sign a retainer agreement during your initial consultation, you would need to dazzle them, entertain them, educate them, teach them, and otherwise be brilliant to have them realize that you are the best lawyer on the planet and could solve their every problem.

That's old school. It still works, but you've got to work so darned hard to make that happen and do it every single time a new client walks into your office. Extremely inefficient. There is a better way. A much better way.

What if you could indoctrinate your potential clients with your legal brilliance before you ever meet them or speak to them? What if you could dazzle them with your courtroom style and sharp tongue? What if you could get your new

clients to beg for an appointment with you? How cool would it be if your new clients walk into your office and tell you how great you are and thank you for being such a wonderful lawyer, the moment they meet you?

Guess what? All this can and should happen. But it will only happen if you create video where your online viewers get to see you, hear you, and learn from you. The only way this can happen is if you create compelling content that your viewers want. If you give them garbage, they will resent it and not look upon you and your firm with the respect and the gravitas you deserve.

When new clients meet me for the very first time, the reaction is always the same and it never stops amazing me:

- “Mr. Oginski, thank you so much for all the wonderful content and information you provided in your videos. Nobody else provides this.” (I don’t give legal advice in my videos.)
- “I feel like I already know you.”
- “You’re exactly like you are in your videos.” (I hope so!)
- “I can’t believe I’m meeting you. You’re like a celebrity online.”
- “I feel like I’ve been here before.”

These people have gotten to know me, like me, and trust me.

How? From my videos.

Why is that important?

Go back to the traditional way of closing the deal. Lawyer razzles and dazzles client in office for an hour. Get's exhausted. Next new client, must do same thing. Next... same razzle-dazzle. By the end of the day, you don't want to talk anymore. It's really tiring to do that over and over each day.

With video, you have presold yourself. These new clients understand I have information they want. They've watched my videos. Not just one or two or five. They watch a lot of my videos. They have come to trust what I have to say. They believe me. When they come into my office, I don't have to put on a song and dance. Instead, I just have to listen and see if we're a good fit. In cases where I reject a client, they often get upset that I will not take their case. People have literally begged me to take their cases. "I'm telling you I have a million-dollar case. I want you to take it. I don't trust other lawyers. You, I trust."

OLD SCHOOL V. NEW SCHOOL.

Which one do you prefer? Personally, after being in practice for more than 23 years and having done the old-school method for most of my career, I am more than happy to go new school and let my videos talk for me. Video works, and I'm living proof of that.

Does Video Marketing Work?

DOCTOR CAUSED PERFORATION AND FAILED TO RECOGNIZE IT

I received a phone call from a man whose mom had recently died following a routine colonoscopy procedure. The medical examiner said something about his mom dying from sepsis. The son went online to learn what sepsis is. He found a video I created titled “What is Sepsis?”

That video prompted him to call to ask for more information. That call resulted in a valid medical malpractice case that generated a settlement of \$395,000.



MY EXPECTATION WAS THAT I WOULD STAND IN FRONT OF A CAMERA, INTRODUCE MYSELF FIRST, TALK ABOUT HOW GREAT WE WERE, HOW GREAT I WAS, WHAT I CAN DO FOR THEM...BUT AFTER OUR CALL WITH GERRY...



Following our call today, I spent some time thinking about what we needed to tell our clients – prospective clients – about what we do and how we can

help them. Identifying first what drug or product they happen to be using, then identifying the likely and linkable injuries with respect to that product or event.

And before our call the other day, my expectation was that I would stand in front of a camera, introduce myself first, talk about how great we were, how great I was, what I can do for them and basically how wonderful we are and why this client should come to our firm. After our call, the better way to do this and the more effective way to do this is to provide information to the clients and talk to them about what they're going through, identify for them how we're going to go about helping them (conduct an investigation on their behalf, look into their problems, and see if we can link the problems that they're having to the drug or device that they're having trouble with).

And the way of delivering this as an informational fashion as opposed to me telling the prospective clients how wonderful we are, I think this is a more effective way to communicate to the clients.

Dan Burke, Esq.

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