



## NICHE LAW PRACTICES: Creative, Entrepreneurial Law for Fun and Profit

By Julie I. Fershtman

**S**ucceeding in the practice of law is tough. Lawyers in private practice have a never-ending requirement to keep business coming in and meet billable hour requirements. Competition for good clients is fierce. Clients and prospective clients demand — and deserve — efficiency from their lawyers.

Wouldn't it be great to add some fun to your daily practice by expanding your areas of practice to include one or more unique niche areas that match your personal interests and passions, such as matters involving your favorite hobby or sport or a subject that totally fascinates you?

You can make it happen. Adding a niche practice area creates a “win-win-win” situation for everyone. Clients “win” with the efficiency you offer given your specialized knowledge of the industry along with your extra enthusiasm for the subject matter. Industries “win” when dedicated lawyers go beyond the routine level of work and handle niche matters that are sometimes at the forefront of cutting-edge legal developments. Lawyers “win” when we receive valuable opportunities to handle legal matters that blend our lifelong interests with our practices. Finding a niche area of practice takes creative thinking — almost any area of interest or any industry has a need for some type of legal service. Niche law practices have included cannabis law, firearm law, election law, surrogacy law, lemon (auto) law, animal law, and social media law. Developing a niche area of practice takes careful planning, marketing, and patience. This article shares my own experience of developing a niche practice area and offers suggestions and mistakes to avoid as well as practical marketing tips that can work for almost any budget.

### BACKGROUND

For 38 years, I have primarily been a business and insurance litigator. Decades ago, when I was a young lawyer, I sought a way to blend part of my practice with something that I found personally meaningful — *horses*. Back then, before the internet, I started a niche practice area known as “equine law.” Equine law encompasses a wide variety of matters ranging from land use to sales fraud, administrative law to tax law, and can involve contract drafting, syndications, and liability litigation. Focusing on a few matters, I forged my own path through trial and error. From the start, *everyone* expected failure. Even a well-respected law practice management guru, whom I'd admired, told me to give it up. In my earliest stages of planning, I approached him at an American Bar Association convention and asked what he thought of my niche plan. “Horse-related law from the Detroit area?” he asked, with a smirk. “You'll starve.” I disagreed. From my own research and involvement, I knew that the equine industry was, and is, large. More recently, for example, the American Horse Council reported that the industry has a \$177 billion economic impact in the U.S.<sup>1</sup> “People and organizations within this industry — such as businesses, farms, horse owners, associations, and trainers — will need legal counsel eventually,” I thought. Back then, very few lawyers served it. Proudly, I can share that I proved the practice management expert wrong. I found a way to make it work. Now, decades after I started, the work has been everything I

envisioned. It's challenging but definitely fun. I've been pro hac vice counsel in 21 jurisdictions, handled several appeals, tried cases in four states, and consulted with lawyers around the country. Clients have been especially grateful that they've hired a lawyer who understands their interests, shares their passion for what they do, and wants to protect their industry into the future.

### MISTAKES TO AVOID WHEN DEVELOPING A NICHE AREA OF PRACTICE

As you begin developing and promoting a niche area of practice, please keep in mind some of the mistakes I made and some options for avoiding or overcoming them:

- *Casting too wide a net through your legal marketing, thereby attracting prospective clients who cannot hire you.* For decades, I wrote at least one new article each month on a variety of legal subjects within my niche and offered them to newsletters and industry magazines all over the country in

exchange for a byline explaining my law practice. Some high-circulation magazines even hired me to write legal articles. The publicity was outstanding, as no other lawyer was doing this. Thanks to very little competition, my writings generated a strong out-of-state following, with most assuming (wrongly) that I could handle cases and draft contracts everywhere. Few people could afford to hire local counsel to work in some capacity with me. Before websites and search engines helped people find local lawyers, my solution to recapture lost business was to combine years of articles into equine law resource books. Then, while the monthly article series continued in full force, bylines described my practice but added a 1-800 number where a call center took book orders. People otherwise unwilling or unable to hire me on their out-of-state matters ordered copies. The books were profitable, and many thousands sold. Nowadays, lawyers with niche practices have a much easier time. In an effort to provide the same benefit of ed-

ucating industries they want to serve and becoming known within the industries, lawyers can apply their creativity and writing skills to blogs and websites, which can explain geographic restrictions and control client expectations.

- *Ignoring demographics.* When marketing a niche practice area, you'll search for ways to become known by the clients you want to serve. As you target your markets, consider the demographics. Years ago, I wrongly assumed that everyone with a horse was a good prospective client for equine law matters. I was wrong. People in the equine industry *do not* hire lawyers. The wide net I've cast through marketing to everyone has resulted in an engagement rate (i.e., the percentage of those who actually hire me out of all those who inquire) that ranges from a mere 1% to 3%, despite a sizable volume of inquiries each week. Put another way, close to 99% of all calls and emails will never materialize. Statistics like that are anything but

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encouraging. As I see it, however, the occasional work within the niche area makes it all worthwhile. Also, people in the 97% to 99% have been known to return with other legal matters later or refer others. Lawyers can improve their engagement rates by focusing their marketing, and sometimes their niches, on segments within the industry with demographics more likely to generate business. If that is important to you, you can find the demographics by studying magazines and websites that people within the industry read, as advertisers have done the work for you already. Magazine and banner ads that include fractional jets, investments, and high-end cars send a clear message of the likely readership.

- *Using bylines and biographies that turn off prospective clients.* In an effort to develop credibility in the industry when I was starting my niche, I thought my bio needed to boast of my horse show wins. Unfortunately, that idea backfired. That is, the byline at the end of my earliest articles mentioned a state championship I won and the breed of horse I rode. That failed because I misjudged how the industry would respond; I forgot that it was, and remains, sharply segmented and composed of people dedicated to different horse breeds and disciplines, with each believing theirs to be the best. Horse enthusiasts involved with other breeds and disciplines wrote me off as irrelevant. A friend who was one of the industry's most prolific book writers alerted me to the problem. I "neutralized" my bio, showing no affiliation with or partiality to any particular breed of horse or discipline. For those creating niche practices, consider the segmented nature of your industries when your marketing efforts include photos and bios.

- *Not "vetting" speaking engagements.* The promise of a packed room for an in-person presentation plus extensive publicity from the convention can be huge incentives to accept speaking opportunities. Take caution before signing on, as your time is valuable, and you want to maximize out-of-office opportunities to their fullest. Conventions may not tell you that they provide concurrent sessions, forcing you to compete for an audience. Before accepting speaking opportunities, I've learned to ask questions and make no assumptions. Find out who else will be sharing your time slot and the topics

they're covering. Ask for a reassignment to a slot with few, or no, competing speakers. Ask about projected attendance numbers.

## PRACTICAL MARKETING SUGGESTIONS

Compared to the time when I developed my niche practice area, marketing has become substantially easier and cheaper with potentially greater impact. Here are some practical marketing ideas for niche marketing:

**Websites and web domains.** Your law practice's general website, certainly, can include your niche, but consider adding a second website devoted exclusively to the niche. Consider owning multiple domain names. For years, I've owned about a dozen that are relevant to my niche, such as *equinelaw.net*, *equinelaw.info*, *equinelaw.co*, *equine.legal*, and more. The websites are inexpensive, do-it-yourself sites through Network Solutions. Still, they keep the niche visible, track viewer statistics, and help keep a high Google ranking.

**Blogs and e-newsletters.** Providing easy-to-understand educational material on legal subjects, as mentioned above, can be a great way to serve your industry and become well known within it. There's no downside, as the mere process of writing a law-related article forces you to study legal developments closely and write about them in an understandable, succinct manner. Over a decade ago, my firm established an equine law blog, *equinelawblog.com*, which presents material on a wide variety of topics, such as defamation, contracts, liability, horse breeding, boarding, insurance, sales disputes, veterinary malpractice, and land use. Viewership has been high.

**Social media pages.** Consider creating a social media page devoted to your niche. Populate it with links to your blog entries and articles.

**Speaking engagements.** Speaking engagements, in my opinion, provide the greatest opportunities to meet prospective clients, share developments, improve communication skills, and gain insights into the industries you aim to serve. Lawyers with niche practices make great speakers, as their enthusiasm shows through. In my opinion, the most valuable part of a speaking engagement is the chance to *listen* to questions posed by your audience. Their questions provide valuable insights into what matters within your industry at the time. Their questions will generate ideas for popular articles or blog posts.

**Articles.** As you develop your niche, learn what publications people within that industry read. Try developing a presence in those publications with an occasional article or advertisement. Advertising is easy, but lawyers with limited marketing budgets might consider offering the publications an article on an interesting legal subject. The larger publications will buy your article.

**Association membership.** Find out what associations people within your chosen industry belong to. Join the groups. Through their publications, e-blasts, conferences, educational programs, social gatherings, and websites, industry associations will help grow your niche practice by keeping you informed of developments, allowing you to meet the people you hope to serve, and providing unparalleled networking and referral opportunities. Over time, you may find yourself involved in speaking engagements, committee work, articles, and leadership.

## CONCLUSION

Mark Twain is often credited with saying: "Find a job you enjoy doing, and you will never have to work a day in your life." For lawyers like me with niche areas of practice, these words ring true. Through a common interest in your niche, people will seek you out. They will connect with you. They will discover skills you offer as well as your other areas of practice. They will remember you. Over time, you may discover your niche is anything but small, specific, and compartmentalized — it can actually open the door to fantastic opportunities and growth that you never expected. ☛



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## Footnote:

1. American Horse Council 2023 Economic Impact Study, [horsecouncil.org/economic-impact-study](https://horsecouncil.org/economic-impact-study).