BEYOND THE GRIND: YOUR STRATEGIC ROADMAP TO A THRIVING SMALL LAW BUSINESS

JASON OCHS, GENERAL MANAGING PARTNER AND LEAD TRIAL ATTORNEY, OCHS LAW FIRM*

Good morning. Thank you for having me. Professor McGinniss, great presentation. Professor Klinkner, thank you for having me, very much [at] UND Law School. I've spent the past 24 hours talking to a lot of law students, and I am so inspired by what I'm seeing with the future of law. It's just so inspiring, and it reminds me of being back there 20 years ago.

What I want to talk about is the business side of law, and I want to talk to the students who are thinking about one day maybe starting their own business. And when I talk about business today, I'm speaking of law firms. For the lawyers in the room, maybe you want to start your own business as well one day. Maybe you already have your own business. Whoever you are and wherever you find yourself today, I have valuable nuggets for you because I've made the mistakes. I've made them, and I'm sharing them with you so hopefully you don't either.

There was something about year seven of my career that I decided that what I was doing just wasn't really cutting it. I really thought to myself, is this all it's cracked up to be? I had done what most of these students are probably going to do. You come out of law school running and gunning, and you're on fire; you're ready to take on the world. You get the big firm job. You're excited, you get in there, and you're ready to put your hands on a lot of documents and get started, and before I knew it, I was pushing paper. I wasn't doing much of anything meaningful. I left, and I went to the district attorney's office because I, at minimum, wanted to try cases. I wanted to learn what it was like to be in court, what it was like to be on my feet, thinking on my feet, and also in my world making a difference at that time. And then I came out and joined another firm thereafter and I got involved in the medical malpractice component of their firm. That was a very stressful time on me. I'll talk about that at two o'clock today. I'll talk about witnesses I had to deal with and how that impacted me as a lawyer, so don't miss that.

And so, year eight, I decided I want my own firm. I'm going to take the risk; step out, and I'm going to start my own practice. We call it a practice, and I think we call it a practice because we don't know much about business. That's because we're here in law school. We're learning about cases, we're learning about statutes, we're learning about rules. We don't learn about

* This transcript has been edited and refined for readability.

business. So, the first thing I did was I got online. I said, "Where can I go to learn about how to run a business like a law firm?" And you know what I found? Absolutely nothing.

There's nothing out there. I found one marketing outfit that you could go for a day, and they teach you how to market. So of course, I spent money and flew down to Atlanta; I spent the whole day being solicited by marketers. It was a waste of money and a waste of time. So, I've had to go out and figure it out myself. And I'm sure there are other people that are probably a lot smarter than me that haven't had to figure it out themselves, but we did it, and we are in the process of doing it, and yes, it's a practice. It doesn't always work, but I have found some things that seem to work and some other things that don't seem to work. So, let's talk about what I want to talk about today.

We're going to talk about the numbers of small businesses. These are law firms. They're not particularly optimistic. I want you to think about two things when you either want to run your business or maybe you are running a business. There are two things that should drive every one of your decisions. ROI, [or] return on investment, and increasing your net numbers. I don't care what your gross numbers are. I was just talking to a friend a couple weeks ago. He's a big firm, at least a big firm for Wyoming. He said they made twenty million dollars; they grossed twenty million dollars last year. He is the main name on that firm. I know him real well. So, he was candid with me. I said, "How much did you take home?" Your net. Two hundred fifty thousand. That's what matters. I have a wonderful friend in Cheyenne who's a solo practitioner. You know what he grossed last year? Eight hundred thousand. You know what he brought home? Four hundred [thousand].

It's the net that matters. But your net is driven by ROI; every decision—in your firm, in your business—should be driven by ROI. That's why we're going to be talking about automating non-billable work, which is a waste of time and money in every firm. Fee changes to keep you competitive. You young students have such an advantage because you're not stuck with any guardrails. You're not stuck with any "this is the way I've always done it." That's what we struggle with, us lawyers who are older.

Clients are expecting changes, and if you're ahead of that curve, you're going to have [a] tremendous advantage. We'll talk about that. Managing costs for increased net, one of the biggest areas lawyers are horrible at. We're going to teach you how to do that. Employee engagement depends on how many employees you have. The biggest we ever were was sixteen. In my view, way too many employees. We had a lot of fat, okay? And not enough strength. We're going to talk about marketing. Marketing is one area that lawyers just don't know about. And then [we'll talk about] best practices. Let's get going.

Four hats for owning a law firm or business. You [have] got to wear four hats if you're the guy in charge. And this is the order. First hat: salesman. "What? I don't want to be a salesman, Jason." Hold on. Second hat: accountant. We [have] to know money in, money out. Money in, money out. Third hat: office manager. You're the guy on the door; you're going to be dealing with a lot of employee issues. Fourth hat: lawyer. The lifeblood of a business, of your firm, is client acquisition. If you don't have clients, you're not making money. If you're not making money, you can't do what you set out to accomplish.

That's why the salesman hat is so important. Now if you're thinking to yourself immediately right now, "I'm not a salesman, Jason. I didn't get into law to be a sales guy." Okay, maybe you're not cut out to have your own firm, and that's perfectly okay. There are a lot of phenomenal lawyers who are great employees, and they don't have to worry about selling. Know your strengths, know your weaknesses, [and] go with them. But think for a moment. If you believe in what you do, and you believe I can do it better than the next guy, it's easy to sell your firm. It's easy to be a salesman.

Let's talk about the benchmark. Let's talk about numbers. I talked about net. One out of five small business law firms [is] going to fail within the first year. It's a pretty big number. That's not too terribly optimistic. Forty percent are going to fail in the first three years, and one-half will fail within the first five years. "Well, jeez, Jason, what the heck, why do I want to go do this?" Because those who are successful have tremendous autonomy. You have tremendous freedom, and that's what I was wishing for in year seven.

Why do they fail? It's financial mismanagement. Poor financial management is the leading cause of small firm failure. That's not my opinion; that's the data. Inadequate cash flow. Huge issue. Before you even think about starting a firm, you think about every single expense you're going to have for that first month. Every single one, and you get rid of the stuff you don't need. It's the necessary stuff. You add it up. What's that number? That's the minimum amount of cash flow you need coming in the door. And by the way, you haven't even bought groceries yet. You haven't bought gas to get to your office. That's the starting place. You have to understand cash flow before you start your business. Lack of profitability analysis results in unprofitable cases. What does that mean? It means experience matters. It means it's hard to walk out of law school and just start your own firm. Go work for somebody and learn how to assess a profitable case.

There are a lot of cases, and all the lawyers in this room have had this issue, [where] you take the case that your gut tells you not to take. And you take it anyway, and then we call it the barking dog because every time you walk by the file cabinet, you don't want to touch it, and it barks at you. We've

all done it; we all know we shouldn't have done it. But we keep doing it. Know how to assess a case for profitability. We do a lot of contingency work. It took a lot of time to get there.

We look for a 3-5x. If we're going to spend $25,000 on costs, we want to make 3-5x on our money. If there's not that opportunity, I'm referring that case out. If it's more than 5x, great, but that has to be minimum. Why is it 3-5x? Because you're going to lose some occasionally, and that covers your losses.

Solo attorneys typically have a net profit. This is what I'm going to talk about, net profit—25% or 35%. If you own your own business, your law firm, and you don't know what your net was in 2024, you're leaving money on the table. Okay, and also, if you don't know what your net was, you don't know if you're performing well or not. I talked about the guy in Cheyenne who's doing 50%. He's walking home with fifty cents of every dollar he makes. That's phenomenal. Bigger firms have larger profit margins, but you [have] more partners you [have] to spread that amongst.

The rule of thirds, this is an old business saying, allocates revenue equally to compensation, expenses, and profit. A third of the money you could bring in goes to expenses, a third to compensate your employees, and a third in your pocket. If you're doing that, you're doing good. But you can be great. We [have] got to manage fixed costs and increase that net. If you manage fixed costs like they're going out of style, you can gross less next year and net more. What does that mean? It means you're working less and making more. What does that mean? It means you're getting more free time. And what do we all want, especially in year seven? All of a sudden, you just want free time. You can get there. Don't let people tell you you can't. Non-billable costs can significantly impact overall gross revenue. We'll talk about that.

Let's talk about automating non-billable work. What does that mean? That means stuff that doesn't bring money in the door. If you're spending time on any issue and it doesn't bring money in the door, it's non-billable time. [For example,] billing and invoicing. Somebody's got to sit down and create the bills every month. Somebody's got to invoice that. How do we get rid of that? Because it's lost time, it's lost effort. You automate it. “How do you automate Jason?” Well, there are a lot of AI programs out there. If you're not sure which, come talk to me after this. Okay, we'll get to this in a moment, but I think you eliminate it altogether. “Well, how do you eliminate Jason?” You put caps on fees.

No more “hire me and you pay me 250 an hour.” No. You're hiring me for what? This project, it's going to cost you five grand. And by the way, if it costs you more than five grand, I'll eat that. Cap on fees, clients love it. They

want to know what it's going to cost them at the end of the day. They don't want to know that each and every month they're going to keep getting a bill and keep paying for this, and my god, when does it stop? It's time for us to respond to our clients. Cap on fees.

Now, there are some ethical issues, and I'm going to dovetail into the theme here. In Wyoming, I can't charge a $25,000 flat fee for a custody case. I can ask for that money. I can say it's going to cost you $25,000, but I still [have] to bill against it, and if we end up settling that case early, I [have] to give you everything back that I haven't billed against. I assume it's probably similar to that in North Dakota. In criminal law, oddly enough, in Wyoming, you can just charge a flat fee. It is what it is. So, make sure you're following the ethics, whatever your state requires of you. But I will tell you that the young lawyers who I've been mentoring in Wyoming who do flat fees in custody cases are doing awesome because they're not wasting time billing and invoicing.

Handling phone calls is such a waste of time, but so important. Because that's where your client acquisition typically comes in, but it's a waste of time. Who's handling your phone calls? [For] most of us, it's a receptionist. I think that's a bad decision. Okay, that's a receptionist who is not providing billable time to your firm. The way I think you could increase your net, and again, increasing net translates to more free time—and maybe you want to go surf, maybe you want to go sail, maybe you just want to get more cases in the door. Whatever it is, you can do it. Handling phone calls, we don't have receptionists anymore. None. I hired Ruby Receptionist for a while. They were awful, and don't waste your time on Ruby Receptionist, okay? But it was some outfit that said they did only law firms. We tried them out for a little while, and it was a waste of time. So, what we have done is we drive everything to our website.

We have an AI chatbot on our website, and it goes so much quicker. People go to our website, they insert the information, [and] it comes directly to my cell phone. I know immediately if that's a case I need to drop everything and call. I know if it's a big trucking case and somebody's died, I'm out of here. I'm quitting right now. I'm saying I'm coming back in five minutes, and I'm going to go make that phone call. If it's a case that just is not the kind of case we want, we're going to refer that out to a referral lawyer. I'm not wasting time on the phone with people [whose] cases I'm never going to take. Nor is a receptionist who I'm paying and wasting time on the phone about a lemon law case that we're never going to take in the first place. Plus, I'm driving traffic to my website, and that increases my search engine optimization, which we'll talk about in a little bit if you don't know what that

means. It means the higher you are in a Google search, the more likely you're going to get seen. So, there are multiple reasons to do this.

Intakes are the same way. I think get rid of the receptionist and increase your net. A cheap receptionist is going to be $25 a month. That's $30,000 right there you're saving. Managing fixed costs. What's a fixed cost? They just remain constant no matter what bad year or good year you have, you [have] to always pay it. Staff salaries and benefits are the largest fixed expense. Let me tell you how to fix that. Office rent, brick and mortar cost a lot. And then of course your subscriptions. You got Westlaw, you got MyCase, you got Clio, you got DocketBird. I mean, there are so many subscriptions, it's ridiculous. And you need insurance. You [have] to have malpractice insurance. How do we manage fixed costs?

Consider going 1099 with your employees. You don't have to pay Medicare. You don't pay Social Security or employee costs. They're thrilled because they just get a check every month, and you're only paying them if they're working. That's the best part.

I run a personal injury practice. There are moments where it's crazy busy, and there are moments where it's not busy. We'll get hit with five motions in five different cases and I need all hands on deck and I'm paying everybody. There'll be periods where it's quiet. We [have] depositions two months from now. We don't have much going on in this case. I don't want to pay for somebody if there's not much going on. That's going to increase your net, and those employees who are 1099 employees, when they're not working for you, they're working for somebody else or they're doing something else. They're making money doing other things. They're happy.

Use AI to replace low-level employees. What lawyers really need is a really good first draft. Whether it's a motion, or a complaint, or a notice of deposition. Do I really need to pay a paralegal sixty-five thousand, eighty thousand a year for that first draft? When AI can do it for $180 a month. And by the way, AI's really good. Yeah, I'm getting a great quality. A lot of people are like, "Well, watch out, they're hallucinating. You never know what they-" are you looking at your associates' motions and not checking the cites? I always do that. I always check the cites. So, I'm doing that anyway because I'm the one arguing it. I [have] to know those cases.

So, I don't see anything different in having to go through and double-check the cites because I'm reading those cases anyway in case the judge asks me about them. You get a great first draft, and that first draft you get on day one. You [have] twenty days until you [have] to file the opposition. If I'm having an associate do that time, I get the draft on day eighteen, and I'm scrambling. But AI's getting that for you on day one, and it's fantastic. I love AI. I think we [have] to embrace AI. I'm so excited for AI. There's a

wonderful AI program we use in my firm. If you want to talk to me about it, grab me. It's fantastic, and we've eliminated a couple paralegals as a result.

Lose the office. Lose it. It's a fixed cost. Usually, if you're a solo practitioner, it's your number one fixed cost. If you're not willing to lose the office, at least sit down and look over the last twelve months. How many times did you meet with a client that was necessary for you to have an office? We did that. I did that in 2022. Now, yes, we had COVID happen a little bit before that, but I had not met with a single client once in the previous twelve months. So, we got rid of the office. I [have] a great office at home. I'm happy as a clam to be at home. We saved $30,000 that year. Thirty thousand, and by the way, yes, you can just say I saved the $30,000. I like to figure out a way to make money make money for me.

That money provides me more free time and that's the goal. So, I took that $30,000 and I thought, "What the hell?" and I put it in Bitcoin. I can risk it. I was going to lose it anyway just paying for the office, and now Bitcoin has almost tripled. I got lucky. I'm no guru when it comes to investments, okay? So, I'm not suggesting you invest in Bitcoin today. I wouldn't; I don't know if I'd do it today. But I figured I had nothing to lose. The point is, take the money and figure out a way for that money to make money for you. Lose the office though. I'm telling you it's such an enormous fixed cost.

Annual subscription reviews—let me talk to you about this. They all want our money, and they're going to reduce that all day long. Every December, at the end of December, we go through all our subscriptions, and I'm always amazed every year how many subscriptions we have and what we're paying on them. So, there are two things you can do. One, you get on the phone at the beginning of the year, and you start negotiating. They'll always reduce. If you want to inject steroids into it, you take one of your 1099 employees, and you say, "I'm going to pay you 25% of everything that you reduce." I'll tell you what, they'll go in like a ravenous dog and get these things reduced. It works every time. I paid this wonderful young woman last year $1,200 because that was the 25% that she saved me over the entire year. She was fantastic. I'll do it again in January.

That is increasing my net at the end of the day. So, I don't have to worry about making more next year. Again, the gross doesn't matter; it's the net. If the net's high enough where you're satisfied, you get freedom. You get autonomy. We [have] to adapt and we [have] to be ready, and that's where you students have such an advantage.

Intakes, we talked about that. Use AI. I'm telling you, AI is fantastic. Discovery drafts? AI. Pleading drafts? AI. Motion drafts? AI. Billing and invoicing? AI. Result? Increase caseload if you want to without increasing

time. Increasing caseload is going to increase the amount of money you're making. Or you increase your free time.

Employees, I say if you must. There are some big firms that have to have employees. I'm not suggesting you can survive without employees, but maybe see if you can survive without them. Too many lawyers I talk to settle for mediocrity. There are a lot of lawyers that I come in and they're like, "Oh Betty, she's been with us for years. I mean, nobody really likes Betty. She can be cranky, you know, with clients, but you know, what do I do with Betty?" Don't settle for Betty. We worked too hard. You've gone too hard in law school; you're running your business, don't settle for mediocrity. Hire slow, fire fast. That's the business side, okay? Hire slow, fire fast.

Incentivize your employees or 1099 employees to be active community members. This is fun because it'll inject steroids into your practice. I have a point system. One hundred points means you get a thousand bucks. I want to incentivize them. How do I incentivize them? They earn points for achievements beyond regular duties. They get points that convert to money bonuses. They get paid out twice a year. Points align with firm goals like business development and efficiency. Things like showing up to the bar association meeting. Does your paralegal show up to the bar association meeting? Probably not. Mine does. My 1099 paralegal does. You know what she talks about? She talks about my firm. Why? Because she's going to get a point system. If she gets a referral because of her and it comes to us, she gets points. Not part of the fee; you can't do that ethically. Okay, but she gets points, and my point system is she's going to get a check.

I want her speaking. Because when she speaks, she'll naturally start talking to people about where she works. That earns points. I also want to see her bill, not because I'm going to send that bill to a client, [but] because I want her to be efficient. Because there are too many times where, if you have an employee and you expect them to bill six hours a day, I've done this, it doesn't work. They tell you it took them an hour to prepare a notice of deposition. Give me a break, it should take 15 minutes. We've already got the template, you [have] to change a couple names and change the date, and it should be done. It should cost five minutes. I incentivize them so they're more effective, more productive, and pumping out more work. And they earn points for that. I have a whole spreadsheet of these things and how they can earn points.

Changing client expectations. We [have] to be on top of this. Value-based pricing I talked about. Start thinking about capping your fees. Building client trust, we've heard this. Okay, what's the biggest complaint clients have about attorneys? They don't return phone calls. Real simple way to differentiate yourself. If you want to compete in this market, in any market,

be that guy or that girl that calls back their clients. Sounds so simple, but it so doesn't happen. It's so easy to differentiate yourself.

Let's talk about increased competition. And it is so, so competitive out there right now. Do you have a marketing plan? If you have your own firm. If you're just like deer in the headlights right now, you need a marketing plan. And this is usually what I get from lawyers. "When times get a little slow, I go get a billboard." Okay, how does that work for you? "When times are a little slow, I'll go do something on the radio." Okay, how does that work for you? What's your marketing plan? That should be something if you're running a business. Now, not a practice, but a business, a marketing plan is something you do at the end of the year in preparation for the next year. This is what we want to accomplish. What are your goals?

I mean, usually lawyers' goals are I [would] just like some more cases. That doesn't help ROI. That doesn't help your net. Your goal should be, I want to develop this particular practice in my firm. I really want to develop bankruptcy in my firm. This year we're going to develop that. Okay, so let's put together a marketing plan for bankruptcy. Who's the audience? Who are we trying to get? What are typical bankruptcy cases that are going to pay us some good money? Okay, that's this group right here. These are guys and gals, maybe in their 40s and their 50s. Where do guys and gals in their 40s and 50s hang out?

Facebook. That's where I'm advertising for that. You see what I'm talking about? Marketing plan, you start thinking through it. Now your dollars are being spent wisely. Okay, let's go hire somebody to get some Facebook ads up on us, and we're going to put specifically bankruptcy ads out there. Okay, I need to think about this. How much money [do] you want to spend on this? Okay, we want to spend five thousand a month. We want to spend five thousand for the entire year. Okay, most Facebook advertisers are going to say, okay, you're [in] North Dakota, come over here, we're going to charge fifteen hundred dollars a month, and we're going to go after the entire state of North Dakota.

And you're going to be like, sweet. When what you really should be thinking about is, I just want to invest my money in Grand Forks. I don't want to spend a bunch of money in Bismarck and Fargo. I don't want to travel up there. I want to be in Grand Forks. So go back to that guy, because he's incentivized the bigger area, the more money he's going to make. Say no, not fifteen hundred in North Dakota, fifteen hundred targeted in Grand Forks. Boom. Now your money's making. Your money's maxed out in terms of ROI. That's where I would start.

So, marketing plans—it's a perfect time right now in November to start thinking about how you want to set your firm up for January and 2026. If

you're doing great, awesome. Don't forget about the marketing plan because the problem that lawyers end up with is they don't foster their community relationships because they're busy. And then 2027 hits, you've had a great 2026, you don't have a whole lot of cases, and then you're scrambling. Don't scramble. Do your marketing plan now, figure out how much you're going to pay, and then track the ROI.

This is hard. You know, lawyers will say, "I went and did three months of billable work, I didn't make it, I didn't get a single trucking case." That's not the way to track ROI. A lot of clients are not necessarily going to tell you when they call that I'm calling you because I saw you on the billboard. The way to track ROI when you're marketing is, number one, track your call volume. Is it increased? If it's increased, it's working. Also track your Google Analytics on your website. If it's increased, it's working. Hang with it. If you see the increases, they're going to come.

All right, real quick, I'm going to fly through this. If you're trying, if you're kind of in a rut right now with your firm and you're just kind of like, "We [have] to come up with something." I'd encourage you to consider what I call SWOT analysis. This isn't something I made up; it's something we do every eighteen months. You look at your competitors' strengths. This is really a lot of fun to do. In whatever area you are competing in. You identify weaknesses, your weaknesses, and then you start capitalizing on opportunities. I have a SWOT analysis. I gave it to Abigail. It's ours exactly; ask Abigail, she'll give you a copy of it. We did this eighteen months ago. We do it every eighteen months, and it changes. It always changes. As a result, what we do is we take that information, and we start utilizing it for our marketing.

I'll give you an example. The last SWOT analysis we did, we looked at our competitors, and we always take a lot of notes when we talk to clients when they call in and [during] client acquisition, and we'll also do an exit interview. I don't do the exit interview. I have one of my 1099 employees do the exit interview because I want them to be honest. What do they love about us? What do they hate about us? I want to know both.

We take that and use that in the SWOT analysis. So, you can start that now. You can start exit interviews now; you can start, and then eighteen months from now or twelve months from now you can do your own SWOT analysis. What we learned and what separated us, what our strengths were. Now, we weren't a huge firm with, you know, six people on the letterhead and a beautiful office. We weren't doing that. In fact, we have no office. What separated us is that Jason Ochs called me back. Simple as that. Wasn't the paralegal, wasn't the receptionist. I got a call from the lawyer who's in charge of my case. Simple.

So, we changed all our marketing from the Ochs Law Firm to Jason Ochs at Ochs Law. And it has worked. All because of a SWOT analysis. It can be something that simple. I say, find your 2% difference. Find your 2% difference and then lean into it.

Let's talk about competition. I know John Morgan at Morgan & Morgan; they spend $4,000 for every case that comes in the door. They're a big, huge car accident firm. Morgan & Morgan is the largest plaintiff injury firm in the country. They have a thousand lawyers. I hate to think what that overhead is. It gives me a stomachache just thinking about it. Most of you probably know Frank Azar in Denver. He's the strong arm. Six thousand dollars he spends on case acquisition. That means for marketing. Every case that comes in, six thousand.

What do you spend for case acquisition? Usually, I get blank stares. That's okay, but if you don't know what you're spending on case acquisition, how do you know [how] to put together the next marketing plan? How do you know what works next year? [Have] to know what you're spending on case acquisition because if it's six thousand dollars for every case that comes in, that's got to be at least a hundred-thousand-dollar case to justify it in terms of potential you cannot recover personally but recover on the case gross. If you're spending $6,000 for a bunch of $25,000 policy limit cases, you're not going to stay in business very long.

Average car crash [case] in this country is between three to five thousand dollars a case. That's a lot of money. So how do we advertise as lawyers? We got traditional media: billboards, television, radio, newspaper. I will tell you what the data says. This isn't Jason Ochs's opinion. This is what the data says. If you're going to do billboards, minimum twelve months, or you're wasting money. Why is it twelve months? Because it takes that long for the top-of-mind awareness. That's what you're building in the community is top of mind awareness. So, when you see some of your competitors out there that have had those billboards for years, they're doing it right. Don't go in and do a three-month run. It's not going to work. You'd be like, “Nah, the billboards are a joke.” No, they're not; you just didn't do it right. Minimum twelve months, and if it's working—and it should be after twelve months—stick to it another twelve months. Long-term commitment on billboards. In ten years, I think billboards will be a waste of money.

Television, I just saw a stat the other day. This was actually on the plane heading up here. Twenty-three percent of us get our news from television today. That's down from 71% twenty years ago. What does that mean? Most people aren't watching television anymore. So, you have to understand who the audience is that's watching television. And that group is typically fifty and older. More men than women. So, if you are aiming for that group of

people that you want to target, maybe it's bankruptcy, maybe it's wills and trusts. Great spot. Television is a great place to be. But if you're going after, you know, custody cases, probably not a good spot. If you're going after car crash cases, there are much better places to spend your money.

Radio? I used to say radio was a complete waste of money, and then an older gentleman corrected me and he said, "I listen to NPR," and I said, "You're absolutely right." If that's your audience, 60 and above, NPR is a fantastic place to advertise. Know your audience. It's a fantastic place. He was so right.

Anything else, I think it's a waste of money. Newspaper, it depends on your community. I think newspaper is great if you want to jump in and go after something for a small period of time. In Casper, had anybody heard of Golden Corral? It's a restaurant; they have a huge buffet. We had an enormous norovirus outbreak in Casper. At the time, I didn't realize it was going to become the largest norovirus outbreak in the entire country ever. It was awful, and if I gave you the details of that case, all of you would go home and be ill for the rest of the day. It was awful.

There was opportunity there. There were a lot of lawyers that got calls and said, "What am I supposed to, you know, you had an $8,000 bill at the local hospital because you were sick. This guy over here had to go home and just buy some NyQuil. This guy over here, you know, went in the hospital, had a twelve hundred . . . I'm not taking that case."

I was taking that case.

Okay, so I went into the newspaper, and I said, for 30 days, every single day, we're going to run a huge ad, huge page ad, that if you got sick at Golden Corral, you call Jason Ochs. One of those cases wasn't worth it. But you know what? We ended up with eighty-three. That was worth it, and we had a very good punitive damages argument that drove settlement in that case. Think what's the point? Think big.

Lawyers don't think big. Be the guy in town where you're not really sure, it sounds like a case, I don't know. Send it to John. John thinks big. Be that guy or gal. Going back to newspaper though, that's where newspaper works in my opinion. Go hard, go fast, go specific.

Alright, this is where the students are going to have a huge advantage over the rest of us lawyers. Digital advertising: Facebook, Google SEO, let's talk about Facebook. I already hit it on the 40s and 50s. We wanted to get cases; many of you probably know the ovarian cancer litigation related to talcum powder. Okay, so eight years ago, we went in big time on a huge run for advertising to collect ovarian cancer cases of women who used talcum powder. We went hard and heavy into Facebook because that's where 40-

year-old women hang out. Okay, and we did really, really well. The point being, think about your audience.

Don't just throw money in and say, "Well, we'll see what happens. We'll throw it on the wall, see if it sticks." Think about your audience. It works. Marketing works if you do it right.

Google SEO–if you were to Google yourself and do it on somebody else's computer, because then you get an accurate read. Don't do it on your own. When I go to these sorts of events, I always go to the hotel computer and Google myself. I do; I want to see my SEO, and then I want to see who my competitors are that are showing up.

If you're not showing up on the first page, the data says 98% of people searching never go to page two. Ninety-eight percent. So, if you're a lawyer out there and you're like, "I got a website, my website's going to bring in cases." If you're not on page one, you can't rely on that. Ninety-nine percent of that two percent that go to page two, 99% of that two percent don't go to page three. If you're not on page one, you're not getting cases through your website. How do you drive SEO? You can spend a lot of money on it. You can. I think that's worthwhile.

Okay, but you [have] to make the money before you spend it. Don't spend money you don't have as a young lawyer or as a young entrepreneur. But once you're there, I think it's money well spent. Once you get on the first page, you can stop that. Don't let your SEO guys tell you that you can't. You can, but you have to learn how to update your website yourself. The easiest way to do that, I think, is to have a blog on your website that you post every couple of weeks to. You keep up; it keeps you fresh; that keeps your Google touching base with you; it keeps you up on the rankings. Very simple. Do it once—and with AI, you say, AI, give me a blog post about the recent Listeria outbreak at Trader Joe's. Copy, paste. It's that simple. It takes hardly any time. Yeah, you want to read it, make sure it's accurate.

Social media—oh, you youngins have such an advantage over the rest of us. I'm not even on Instagram. Everybody tells me I should be. LinkedIn, TikTok. That 23% that go to television for their news, guess where the other 76% go? There. So, people are paying attention to this. I'm not good at this, but if there are lawyers out there or young individuals out there that can figure out how to maximize their exposure on TikTok and Instagram, go for it. That's where everybody's going for their information.

I have paid attention to Gary Vaynerchuk. Gary's a great media, marketing guy. He's, you know, putting on Super Bowl commercials. He talks a lot. You listen to him, listen to his podcast. He's great, but he says if you want to be somebody who's being paid attention to on Instagram or TikTok, you [have] to post a minimum of four times a day. Four times a day.

I don't have time for that. Nor do I have an interest in that. Okay, but you young folks who are building a firm, who want to build your firm, build your community, who want to build your influence, you know how to do that much quicker and much more efficient than the rest of us. Think about it. There's huge power there.

Top advertising options for lawyers. These are the easy ones. And when I say easy, they're cheap, and they're so simple, and so many lawyers don't do them, which is fine. Less competition for the rest of us. Local bar associations, show up. By the way, have your paralegals show up. They're going to talk you up. Make sure your paralegals show up.

Rotary and Elks—are there any Rotary or Elks up here in North Dakota? Attend them; they're a great place to get to know people, especially when you're young. They're fantastic places. Gym? Go to the classes. Don't go by yourself; go to the classes. Some of my best cases over the past three years have come from my gym buddies. Easy way to get to know people. Groups, biking groups; we have a chess group where I live. It's a lot of fun. There's a volleyball group. There's a basketball group.

These are great places to get to know each other. I'm not sitting there selling myself when I go to these groups, but I am sitting there getting to know people just like we all are here. People remember you. Where do 40- and 50-year-olds mostly find their lawyers? What does the data say? Forty- and 50-year-olds—especially men—actually, I shouldn't say especially men. Women are similar. Is it TV? Is it Instagram? Is it news? No. It's asking a friend. And most of us, the 40- and 50-year-old group, that's the group that's going to have the highest damages case.

So, if you and your firm are not out in the community, how is anybody going to refer you to their forty-five-year-old buddy who just got in a car wreck? You [have] to be out in the community. They [have] to see your name. You [have] to get involved in various boards. You want to get involved in your bar association, but you don't want to be all lawyers. You want to get involved in groups that have nothing to do with lawyers. Okay, and in these small communities like Grand Forks, that's so much easier to do than in these big cities where it's harder. It's actually harder in a big city. You have an advantage in these small towns.

Country clubs—I used to think country clubs were kind of a joke, to be honest. Until I was having lunch with somebody a while back—this was years and years and years ago—and it stuck with me ever since. He said, "Jason," he's a wealthy guy. He's a self-made man. He made a lot of money. He was in his 80s, and he said, "Jason, you know what the difference between wealthy people and middle-class people is?" I was like, "Well, one makes a lot of money, and one makes pretty good money." Now, he looks at me like

I'm an idiot and says, "Jason, no." He said the middle class spends their money on stuff. The wealthy invest their money in relationships. It's always stuck with me. Actually, it changed my entire mindset. Now I get country clubs, great places to invest in relationships.

There's a lot of opportunity in country clubs, and it may not be getting referrals; it may be investment opportunities that you get to know from other people. There's great opportunity there. So, I have totally changed in that regard. You know what the other thing it did is, I had the middle-class mindset when I was younger. And so, when we had a good year, you know, it would be the brand-new suburban or whatever the hell it was, and that's not the way anymore. The last suburban I had I drove in the ground 280,000 miles. I'm taking that money and I'm investing in relationships. It's a mindset shift that I want to encourage you to embrace.

Lunch is such an easy way to build a referral source. I try to take somebody out to lunch every two weeks. Every two weeks, and I try to take somebody new out to lunch. Sometimes it's a lawyer, sometimes it's just somebody in the community I just met. I always pay for lunch. It's called the rule of reciprocity. If I buy you something, you just feel kind of naturally like you owe me back. Am I trying to manipulate somebody? No, I'm trying to have [lunch] but the rule of reciprocity is something very real. There's a great book called *Persuasion*. It's an excellent book if you're interested in learning more about the rule of reciprocity.

Oftentimes, I will take an older lawyer out on a type of case that I'm not familiar with, and I know I'm going to have to ask questions later on, and I'm not going to feel bad calling that lawyer up and interrupting his day for answers to my questions. Those are the sorts of things too. The rule of reciprocity—always pay for lunch. If you invite somebody out, you're paying.

Christmas gifts—I'm going contrary to popular belief on the Christmas gifts—I think it's a waste. A lot of people are like, "What?" Let's go back to ROI. Let's go back to net returns. A lot of firms will get Christmas gifts at Christmas. It's nice; it's a great feeling. But I don't remember one firm versus the other. A couple of years ago, I had a firm give me a beginning of the school year gift. It was a football, brand new football. Never forget that firm. And now he's topping my list for referral. Be creative.

Come up with a way to be creative. I think gifts are great, but go against the grain. Don't do what everybody else is doing. Don't send out any more of your salami and cheese at the end of the year to everybody. Come up with something like a football. I thought that was great. If your client has girls in dance, I don't know, maybe send them some pom-poms of UND. Make it unique, but I don't think the Christmas gift is where your ROI is.

Your clients are a great referral source; nurture them, get to know them, spend time with them. After the case is over with, follow up with them. Check in with them once a year. When you're on the road, there's plenty of time in the car. I'll call clients. I'll call ex-clients just to check in with them. It takes five minutes, and it keeps you in their mind when people start asking them about attorneys. Nurture those client relationships. Show up. Lack of genuine engagement. Mean it. When you call your clients, be genuine about engaging with them. Care about their children.

Alright, what did we learn? Here's where I want to challenge everybody. Commit to two new opportunities to mingle this coming year. Every month. One lawyer, one non-lawyer. If you're not involved in your bar association, that's a great one, and then find a group that's non-lawyers. One new lunch date a month—challenge yourself—one new lunch date a month [with] somebody you don't know. Okay, maybe you've seen him or her a couple times. Invite them out to lunch.

Accept one new case annually in an area you're not familiar with. We have done that every year for the last eight years. And now, time goes by so quick. We have a vast knowledge of a variety of different cases. So, you do one new case, and you go from beginning to end; you're now master of it at the end. You've got it down. When those calls come in two or three years from now, you can actually have an educated conversation with these folks, and your practice expands without you even really trying.

Co-counsel with somebody. If it's a construction defect case, we did one a couple years ago. I'd never done a construction defect case, so I co-counseled with a guy in Denver who'd done them. So, I didn't get out of my zone. It was a great experience. I would do one again in a heartbeat, and now I know how to do them. This year, we're going to do our first huge defamation case against a newspaper. Something new we've never done before. Well, we're going to try it out. It's a new area of law. I love learning new areas of law. Last year, we filed a Lanham Act case—that's false advertising. Never done one. That's still in litigation. We're going to see what happens with that, but it's fun.

My point is, take one new case. One new case, and you build, over time, this enormous amount of potential opportunity for your firm. Solve the non-billable bottleneck in your business. Spend the last two weeks of December, when typically that's the quiet time. We always spend the last month of December going over the previous year and prepping for the year before us. Spend that last month figuring out where your bottleneck is and solve it with AI or get rid of it.

From this point forward, make every decision based on ROI—return on investment. You know what that means? You know what that really means?

You're going to have to tell Uncle Joe you're not taking his case. How many times have we taken Uncle Joe's case and it sucks the lifeblood out of you? And by the way, you gave him a deal, and when the thing settles, he still thinks he [got] screwed over. I'm sorry, Uncle Joe, I'm not doing your case. You're going to have to go figure out who you're going with. The lawyer in me has made that mistake many times, and I always regretted it. The business guy in me is telling the lawyer in me, don't do it again. Because what you also lose is opportunity cost.

Because we only have so much time in the day to move our cases forward. So, if I'm going to take Uncle Joe's case, there's a good chance that while Uncle Joe's case is pending, that really good case that I would have loved to have all the time to prepare comes through the door. However, now I don't have that extra time that I want to prepare the really good case. Got to think about opportunity costs.

Make decisions on ROI. Eliminate no and can't from your vocabulary. We love those two words. Eliminate those two words from your vocabulary and substitute them with how. It'll change your mindset. How do I do this? I want to do this. I want to go personal injury full-time, but I'm going to have huge cash flow issues for a while. How do I solve this issue? How do I solve it outside of law?

I had a guy ask me that a couple, it was about six years ago. I sat down with him. He said, "I'm so sick and tired of doing billables. I want to get out of family law. I want to get out of wills and trusts. I feel like I'm doing everything but the stuff I want to be doing."

"Why aren't you doing personal injury law if that's what you want to do?"

"Because I'll lose out on cash flow."

"Well is law the only way you can get cash flow?"

"Yes. It's the only thing I know how to do, Jason."

"You have any money stacked away?"

"Yes. A little bit. Rainy day."

"How much? Like, how much for real? How much for real do you have access [to]?"

"Well, if I added it all up, probably around $800,000. But that's to protect me for retirement and all that sort of stuff."

I said, "What's more important? Going to personal injury, being happy, or continuing where you're at?"

"I want to go personal injury."

"Are you willing to risk that $800,000 for it?"

He said, "Yes, I'm willing to do that."

I said, great. Okay, what you're going to do is you're going to take the $800,000. We're going to go get a realtor. We're going to go find some rental properties. We're going to go pay him off. We're going to get him near Laramie and the University of Wyoming, so you have a demand for the rental properties, and he bought three properties, and now he's got cash flow that covers him so he can do personal injury all day long. That's what I mean, the how. It allows you to think outside the box. There are ways to do it. There are ways to accomplish it. Eliminate no and can't from your vocabulary.

Now I'll finish with this because we have a whole lot of young lawyers or students in here. Nail the most important business decision you will ever make. You got to nail it. "Well, what is it, Jason? Is it going to the law school I'm going to go to?" No. "Well, is it where I'm going to live?" No. "Like, my GPA?" No. The most important business decision you're ever going to make. I beat this into my high school boys' minds. Most important decision you'll ever make. Who you marry. Let that sink in.

You marry someone who supports you, who sees you as the person you see yourself being, who's going to be by your side when things get tough, who's going to sit there and tell you to get up and get started and go out there and do what you're going to do when you doubt yourself. You're going to accomplish so much. That is the most important business decision you'll ever make. If you screw that up and you get a divorce, you're giving away half of your wealth.

I am so excited for so many of you young lawyers. Thank you for listening. I'm speaking this afternoon. I'm talking about preparing clients this afternoon in catastrophic situations where there is tremendous fear and anxiety. So please listen this afternoon, and I'm hopeful that it will have a huge impact on you. But go for it. If there's any takeaway from my talk today, it's go for it.

Go big. Think big. You young folks, you can risk. You can risk, and you can tank. I don't think you will, but even if you tank, you've got plenty of time to make up for it. Thank you so much.