



The State of the Criminal Defense Market During COVID-19

Preparing Your Firm for a Resurgence of New Business

Overview

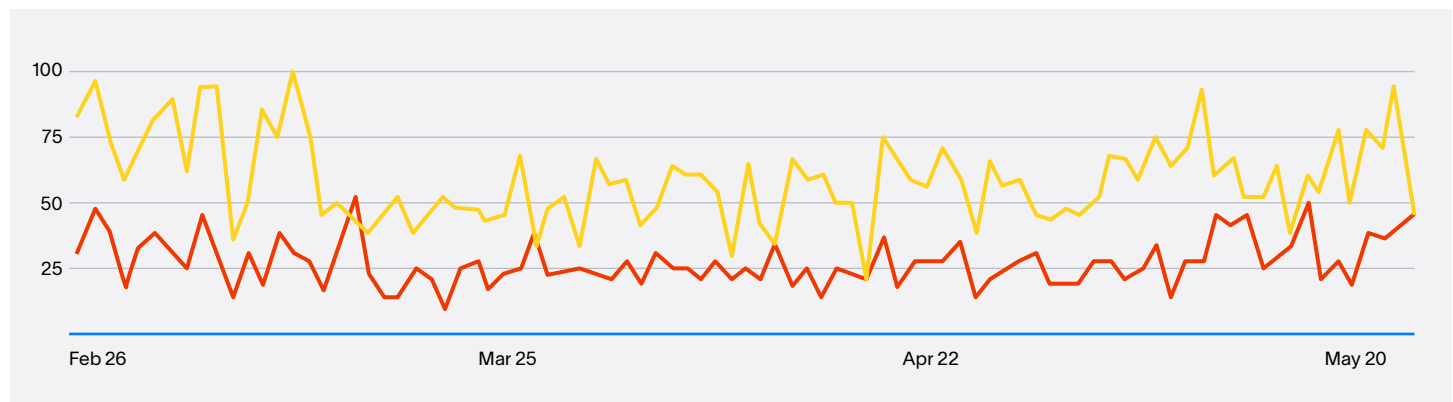
The overall criminal defense market has been hurt by the COVID-19 pandemic, but the market is slated to return with a force, opening the door for increased profitability of criminal defense law firms. This is a brief report outlining our key observations about the current state and future direction of the criminal defense market in the United States as we move into recovery mode and transition back into normal life.

You can use this report to gauge changes in consumer demand for your legal services and identify future opportunities for growing your practice. Armed with this information, you will be able to make more informed decisions in your marketing strategy in the months ahead, allowing you to better position your firm to capture new business and gain a competitive advantage in your local market.

Recovery in the Criminal Defense Digital Marketing Landscape

Simply put, the worst is behind us. Criminal defense as a whole was hit hard by the coronavirus crisis in March and most of April of 2020, but we saw the start of a return to normalcy in late April and continuing into May.

The graph below shows search interest for the terms "defense lawyer" (red), and "defense attorney" (yellow) on Google. Notice the upswing of searches in May.



While search traffic and interest for criminal defense attorneys did not slow much throughout the course of the pandemic, actual lead conversion from those searches dropped for the most part.

To make sense of this, we must put ourselves in the shoes of a potential new client. Those arrested during or around the time of the COVID-19 quarantine period are either:

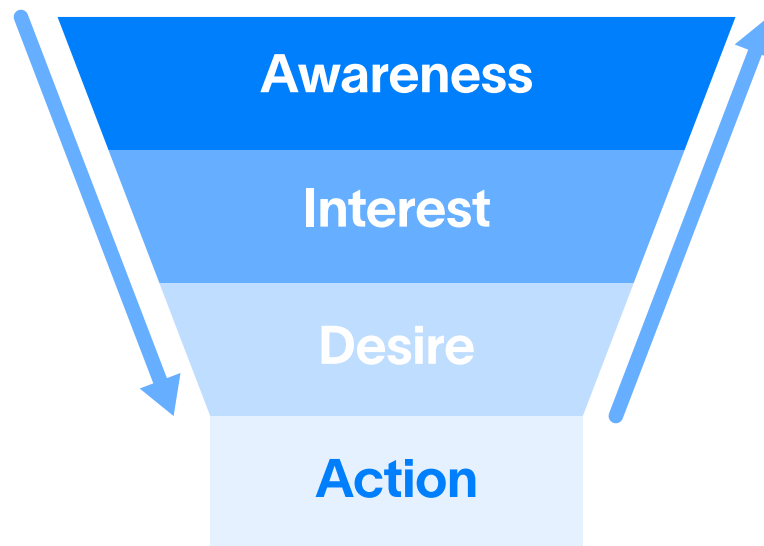
1. Receiving a delayed court date (as far out as August)
2. Have not received a court date due to a slowing of filings.

Because we have seen maintained volume for criminal defense-related searches but experienced a lack of lead conversions, we can infer that interest is there, but the urgency to hire an attorney has declined due to the delay of court proceedings. This will change as courts across the nation begin reopening and they resume their normal activities. While most courts are taking phased approaches to reopening, and many will have to deal with a backlog of cases due to pent-up demand once they do open, the fact is that the system overall is headed in a direction of recovery and it will only be a matter of time before scheduling of hearings and trials is back on track.

Understanding the Marketing Funnel

The standard marketing funnel is actually a good example of what's occurring in the criminal defense market right now:

The Funnel:



The funnel essentially represents a person's journey from the point they become aware of a need for criminal defense services to the point when they sign on with an attorney as a new client. Under normal circumstances for criminal defense, someone enters this funnel when they are cited or arrested for an alleged offense. They're pushed down the funnel as their court date approaches and they need to seek representation. By the time someone is at the bottom of the funnel (the action segment), they hire out of necessity.

With the COVID-19 lockdown, the circumstances have changed. The accused enter the funnel, but there is not as urgent of a need to move down the funnel. Instead the prospective clients are lingering in the awareness and interest phases due to the fact that their court dates are postponed. This shift has been affecting the bottom lines of defense attorneys everywhere.

What's the silver lining?

Using the marketing funnel as an example, we can infer that the criminal defense market is capped. Those who enter the funnel (once arrested) cannot simply leave unless the state suddenly drops pending cases, which we don't see happening en masse. This behavior in the market is unlike other consumer trends. For instance, if we apply this model to the soft drink market, a consumer may at any point decide that they do not want to drink soda and leave the marketing funnel. Using another area of law as an example, someone considering divorce may have a compelling interest or desire to hire a divorce attorney, but not an unavoidable need. That is not the case with criminal defense prospects.

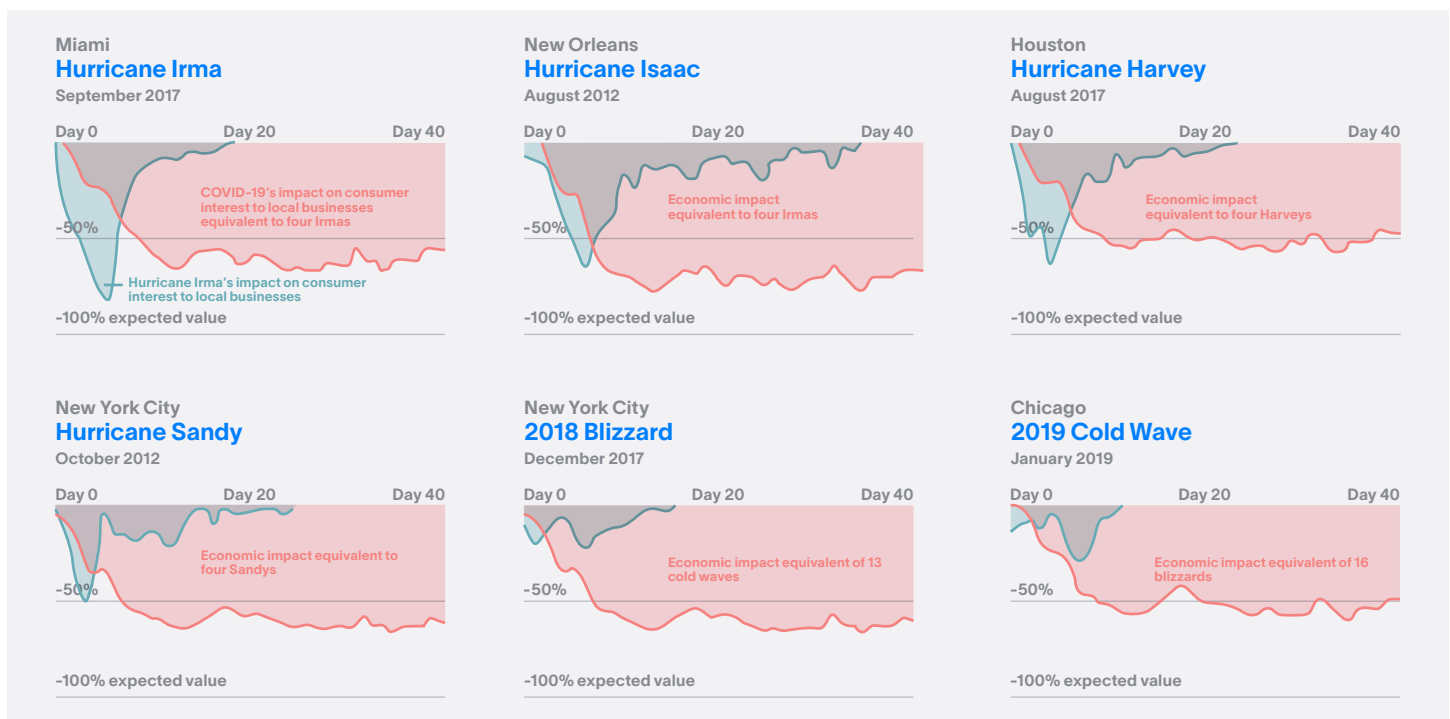
A capped market guarantees that prospective clients will remain in the funnel. It also informs us that a bottleneck of cases will eventually travel down the funnel in quick succession, resulting in the inevitable (even if staggered) improvement in case volume.

Considering Historical and Current Trends

We often look to trends from the past to inform our future projections. While the COVID-19 crisis is a new beast that we're all wrestling with, there are some familiarities. Scorpion as a company was marketing law firms during the 2008 economic downturn. The year after that recession proved to be one of the most profitable periods for our criminal defense clients.

In short, we learned that the best period of growth often occurs after economic crises. While it may seem counterintuitive, those who are able to invest in the future and expansion of their businesses even in tough times ultimately find more success than those who stagnate.

A recent Yelp report shows just how substantial the local economic impact of the coronavirus pandemic has been in comparison to other devastating events from the past. The study specifically evaluated changes in consumer interest on Yelp:

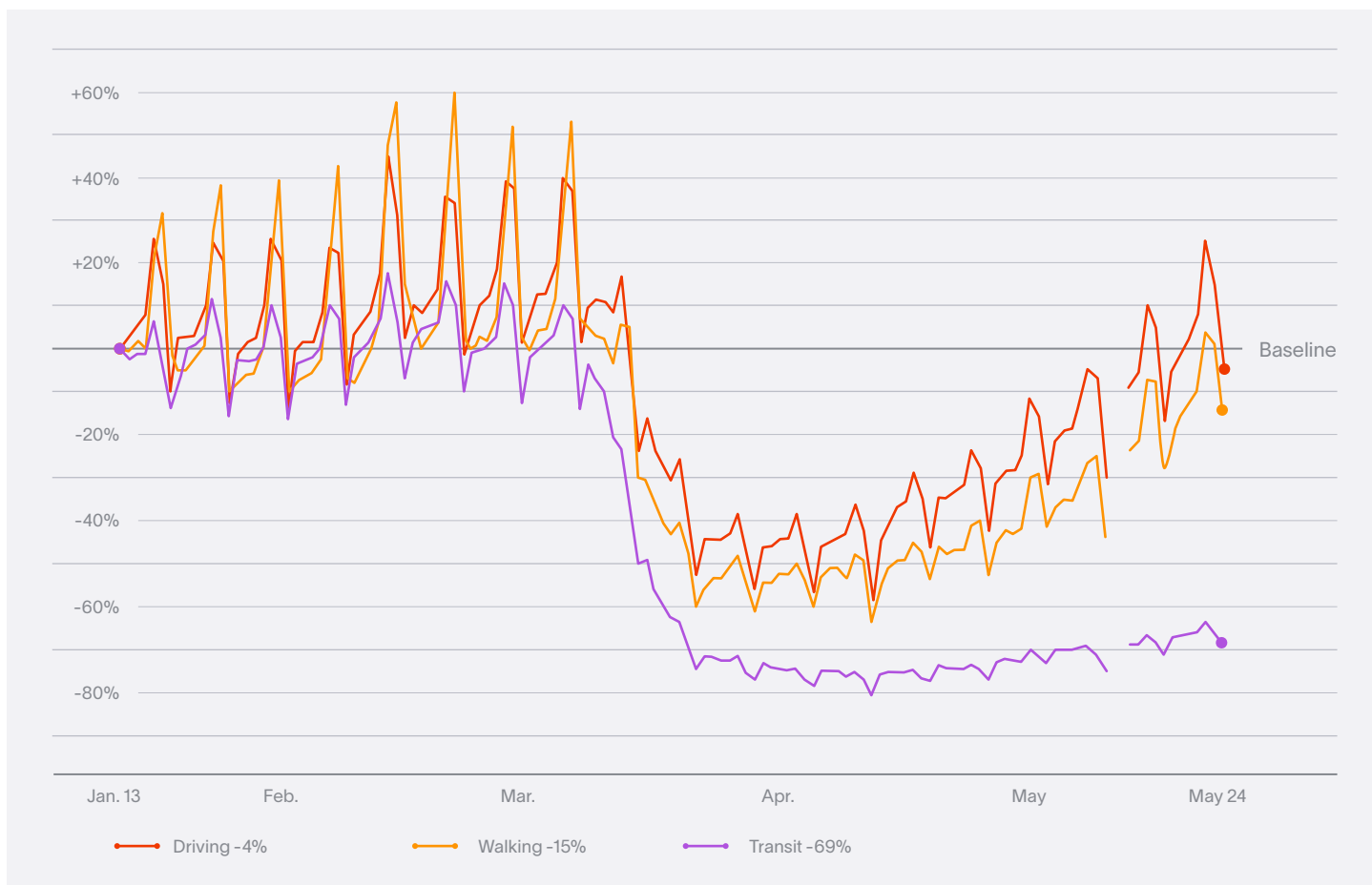


The common trend for Hurricanes Irma, Isaac, Harvey, and Sandy were that consumer interest took a big hit and then rapidly recovered before going into slower-moving recovery.

For the COVID-19 crisis, we have not seen rapid growth yet, but it's bound to hit in the next couple of months based on trends we're already observing. Capitalizing on predictable spikes in consumer trends is one of the fastest ways to advance business.

With regard to consumer trends, it's fairly safe to assume that the emergence of an idle population and new movement in the economy can lead to higher rates of crime and therefore arrests. Furthermore, the relaxing of lockdown and social distancing orders allows the courts to start moving more criminal cases through the system.

Another interesting trend to consider is illuminated by Apple's mobility report, which measures direction requests using the Apple Maps application. The graph below displays driving direction requests in the United States:



There's a clear drop-off when shelter-in-place orders took effect in the middle of March. But, the trend is notably pointing upward and is likely to hit baseline levels going into the summer of 2020, based on projections.

Put simply, more driving requests means more traffic on the highways and streets. It's our expectation that DUI rates will increase as stay-at-home drinking behaviors meld with normal daily life. More traffic

also increases the likelihood of drug arrests and other crimes during standard traffic stops. This may seem far-fetched, but even the thief who's casing a house or business might use a direction application.

Overall, existing trends are moving in the direction of greater profitability for criminal defense attorneys nationwide. For attorneys who do not end up seeing improvement in the near future, it could be because they are not properly marketing their services, or they are targeting the wrong audiences and cases.

Accounting for Recidivism

In addition to the points discussed above, criminal defense attorneys should also account for the role recidivism will play in the recovery of the criminal defense market post-COVID-19. It's widely known that previously incarcerated individuals have a higher likelihood of arrest after their release. Recently, prisons have been releasing inmates in an effort to reduce the spread of the virus. According to a 9-year study of recidivism rates by the Bureau of Justice Statistics, "eighty-two percent of prisoners arrested during the 9-year period were arrested within the first 3 years."

We have already been hearing news reports of large waves of arrests involving inmates who were released early due to COVID-19. In one example, about 110 of the 1,500 Rikers Island inmates who were released in late March (Rikers Island is where New York City's main jail complex is located) were involved in 190 arrests since the release. Authorities are attributing portion of those arrests to a 43% spike in break-ins.

Other metropolitan areas have also been releasing inmates in large numbers. In late March, the sheriff of Los Angeles County confirmed that more than 1,700 inmates had been released from custody, and since then, there have been various reports of these offenders being arrested for new crimes following their release.

Furthermore, one factor that could be helping to drive recidivism is adjusted bail policies. In one case, a man in the Los Angeles area was arrested three times in one day due to a zero-bail emergency policy approved by the state of California in early April, which meant he was cited and released for his offenses when he normally would have been arrested and held in jail. The policy was implemented to help reduce the state's jail and prison populations, which are especially conducive to the spread of COVID-19.

With that being said, we can expect a high percentage of the released prison population to commit new crimes and be in need of a defense attorney following their release.



Conclusion

Though the criminal defense market appears to be down, it is in fact awaiting an explosion of business. This is why it is mission-critical to keep your firm's digital advertising going, even before the full reopening of the courts. By continuing your marketing efforts, you're able to capture the mindshare of the available and future market, which gives you a competitive advantage and allows you to capitalize on more new business over the long term.

Remember — the fact that your prospective clients aren't ready to hire an attorney right away does not mean that they have left the marketing/purchase funnel. Eventually, when they're ready to enlist the help of a legal professional, they will think back to the attorneys or firms they have heard of in the past, or that even helped them answer important questions in their time of uncertainty, and the goal is for your firm to be at the top of that list.

Scorpion helps criminal defense law firms improve their digital brands, reach their most ideal clients on the Internet, and attract new cases so they can grow their practices. If you would like to learn more about how to set up your firm for success both during and after the COVID-19 pandemic, don't hesitate to reach out to our team.



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Kevin Smith is an Internet Marketing Manager at Scorpion specializing in criminal defense marketing. He helps law firms attract more clients and grow their practices through a variety of strategic advertising and digital marketing efforts. Kevin graduated with magna cum laude honors from the University of Southern California (USC) with a degree in Law, History, and Culture. After working in "big law" at a renowned intellectual property law firm, he discovered that he had a desire and knack for marketing law firms and he's been pursuing that passion ever since.



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