

CONVERTING CLIENTS

CALLS, CLICKS AND CASH



white paper



OUR SURVEY *Says that...*

8% of firms didn't respond to the initial enquiry at all.



57%

didn't sell the benefits of their firm to the potential client.



It took more than a day for firms to respond to 20% of telephone enquiries and over 30% of web enquiries.



19%

of the firms didn't explain the costs involved in making a claim.

70%

of firms didn't ask how the client had heard of the firm.

80%

of firms didn't follow-up clients after they initially spoke to them about their claim.



50 personal injury law firms were mystery shopped for this research (via both telephone and online enquiries).



WELCOME

Our latest white paper looks at arguably the most crucial moment in the client journey: their first contact with your firm.

We all know that first impressions count, and this is certainly the case when a consumer is deciding whether to trust you to make good on what, for them, has been a difficult and trying time. As you'll see in the following pages, there was plenty to cheer but several areas where firms regularly fall down.

We outline the steps law firms should take to improve their performance, with a focus on getting the right mind-set, putting a structure in place and the role of dedicated staff.

It goes without saying that these are difficult times for personal injury (PI) lawyers, with both government reform

and regulatory pressure to aid consumers to shop around for lawyers, meaning that you need to do everything you can to stand out from that competition.

I hope that the white paper gives you the tools to start doing just that.

Qamar Anwar, Managing Director, First4Lawyers



CONTENTS

5 INTRODUCTION	15 BEST PRACTICE
6 WHY IS THIS IMPORTANT?	17 DO'S AND DON'TS
8 TELEPHONE ENQUIRIES	18 CONCLUSION
11 CASE STUDIES	19 THE NEXT STEPS
12 WEBSITE ENQUIRIES	
14 CASE STUDY	

For more in-depth information please visit comparemymarketing.com/whitepaper



WAS THE PHONE ANSWERED WITHIN THREE RINGS?
66% YES | 34% NO

“ DISCOVER THIS REMARKABLE DEVICE CALLED THE TELEPHONE. ”

That's what American social entrepreneur Dan Pallotta wrote in the Harvard Business Review in 2013. "It will give you a serious competitive advantage."

Lawyers may be used to that object on their desks that interrupts their work several times during the day, but it remains a matter of wonder – and not in a good way – how poorly some use it to grow their businesses.

This report investigates why it is that some law firms spend so much money on getting the phone to ring or the email to ping, but then put nothing like the same care and attention into converting that enquiry into a client. We also look at those who are doing it well and highlight the key steps in developing a strong conversion culture.

In doing so, we are drawing upon the results of mystery shopping research commissioned by First4Lawyers on how 50 leading PI law firms up and down the land handled telephone and web-based contacts. The research was conducted by customer experience specialists Insight6 (formerly Shopper Anonymous) and provides an interesting and useful level of detail.

The picture it paints is a mixed one, with call handlers ranging from the cold to the empathetic.

One of the mystery shoppers recounted: "My call connected on the first attempt and was answered by an automated answering service without it ringing. The message told me that I was first in the queue. It took 178 seconds for my call to be answered by the receptionist. She gave the name of the firm, but not her own. She didn't answer with a smile, so I didn't warm to her.

"I asked for her name, to which she told me that she was the receptionist. I asked again, to which she told me she was the receptionist and when I asked for the third time, just in case we were cut off, she told me it didn't matter because she was going to lunch."

Then there was this one: "I said it was an accident at work, to which she replied 'Lovely, thank you' with a level of enthusiasm that was entirely inappropriate."

But then there were the good stories: "John was absolutely professional and displayed an excellent blend of empathy and subtle enthusiasm. He was very honest and open with me, so he left me believing everything he told me."

WHY IS THIS IMPORTANT?

Hopefully, it speaks for itself. With 'No Win, No Fee' deals where the law firm takes 25% of the damages being the industry standard, low-value PI claims are unlike many areas of legal practice in that there is no real competition on price. So what else is there to make a consumer choose your firm rather than the one down the road or next on the Google search?

FOLLOW-UP FAILURES

That is what makes the initial contacts you have with potential clients so important. Our research shows that while firms deal with the first contact pretty well, follow-up is a significant weakness.

As detailed later on, we found that PI firms tended to give information and then leave it at that. Only 11% offered to send any further information to the caller, and less than one third said they would make a follow-up call. Telling the client that "We'll wait to hear from you" is not how you get them to sign on the line.

And PI firms are not alone. LawNet – the well-known grouping of more than 70 leading independent law firms – has carried out thousands of 'client experience reviews' of its members, and reviewed 50,000 client questionnaires, while auditing firms qualifying for the LawNet Mark of Excellence.

Helen Hamilton-Shaw, member engagement & strategy director at LawNet, explains: "What our data has shown from the start is that it is vital to have firm-wide commitment to delivering excellent service, and that can only be achieved by truly understanding what clients want.

"In 2015, we published the first detailed analysis of our research, which showed that firms were receiving high scores from the outset for technical expertise and delivering positive outcomes, but early findings from the research flagged up some key areas for improvement.

"One was a need for greater emphasis on sales follow-up. Where follow-up processes were not adhered to, clients interpreted it as a lack of interest, and firms were unlikely to convert the business. Having a great service proposition is all very well, but enquiries need to be captured and followed up."

It would appear that little has changed. Why are law firms not listening?

REGULATORY PRESSURE

A wider context is the major focus of the legal regulators on giving clients the tools to shop around for lawyers. The main impact of the Competition and Markets Authority's review of the legal market, published in December 2016, was to push all the regulators to create action plans as to how they will do this.

Research by the Legal Services Consumer Panel – which strongly supports this agenda – shows that consumers generally do not spend time comparing lawyers. According to its 2018 annual Tracker Survey, published in July, the overall proportion of consumers who shop around for legal services remains "small" at 27%.

Panel chair Sarah Chambers said: "It remains a concern that seven out of 10 consumers do not shop around in the legal services market. This needs to change if the vision of empowered consumers stimulating competition is to be achieved." (PI lawyers would, with some justification, say that there is no shortage of competition in their world.)

Part of the plans published recently by the Solicitors Regulation Authority involve law firms publishing prices of certain services, but PI is unsurprisingly exempt from this given that price is not really the issue. However, the regulator said in June that as part of this project it planned to issue guidance on how PI firms can be more transparent.

It said: "This guidance will encourage price transparency... but also focus on providing clear and accessible information to consumers on the legal process they are going through and help them to understand their options."

Another part of this transparency agenda is to encourage the use of third-party comparison tools, given their role in other sectors. Publishing the Tracker Survey, Ms Chambers noted that the tools aiding the process of shopping around for a lawyer – comparison websites, customer review websites, quality marks and pricing information – "remain largely unused or opaque". Regulators are making some of the information they have on firms available to comparison websites and want law firms to do the same.

It all goes to remind lawyers about the 'service' element of legal services.

LEGISLATIVE REFORM

At the time of writing, the Civil Liability Bill is going through Parliament, introducing a statutory definition of whiplash and a fixed tariff of damages for soft-tissue injuries that last up to two years. At the same time, the Ministry of Justice (MoJ) is working to increase the PI small claims limit from £1,000 to £5,000 for road traffic accident claims and £2,000 for all other types of cases.

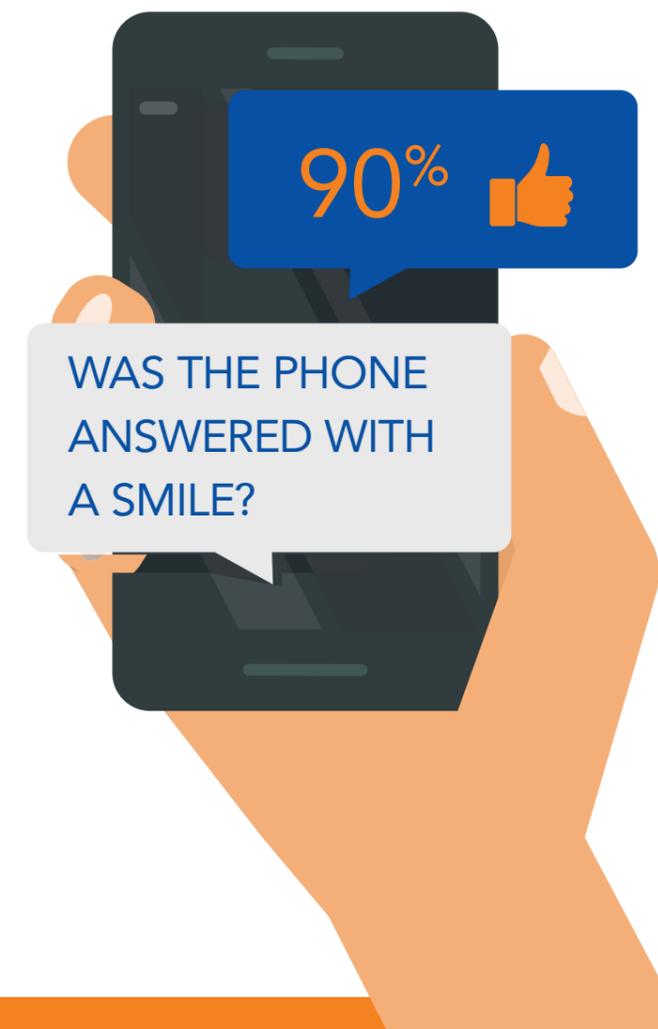
At the heart of the new limit will be an online portal through which consumers can pursue their own cases. Building this is no easy task and the MoJ has already delayed implementation of the reforms by a year as a result. The plan is for the platform to be ready for large-scale testing by October 2019 with the view to implementing the whiplash measures, including the rise in the small claims limit to £5,000, fully in April 2020.

The MoJ expects the reforms to shrink the market. The impact assessment for the bill recorded that there were 705,000 settled road traffic accident claims in 2016/17, of which 540,000 involved a payout. The MoJ estimated that

all but 20,000 of these related to soft tissue injuries.

It projected that 50% of claims with an injury duration of up to six months would continue after the reforms came in, along with all of those lasting more than six months. This would mean 133,000 cases not proceeding on current volume.

What will all this mean for law firms? In a nutshell, a much smaller number of claims and so a lot more competition. Differentiation on customer service – proving to would-be clients that you really want their work – is going to be increasingly important.



SO WHAT DID WE FIND?

TELEPHONE ENQUIRIES

The telephone mystery shoppers went through each firm's website to find a contact number. They used a scenario of a workplace injury where the caller had suffered a broken ankle due to a forklift truck being in a pedestrian area of the factory.

The initial call

Exercises like the one Insight6 undertook break the contact down into every stage of the process, and the first one was whether the caller was actually connected on the first attempt. Happily, all but one was, although some were transferred immediately into call waiting systems.

Research by BT suggests that consumers will only try to call a company twice without getting through before taking their business elsewhere, while a fifth will call just once.

Two-thirds of the calls were answered within three rings (think how much patience you have for a ringing phone when calling a potential supplier or service provider), and while virtually all call handlers identified the firm when they answered, only 24% gave their own name. This may seem like a small thing, but it is all part of the process of building warmth and empathy with a potential client.

Generally our callers said the phone was answered "with a smile" and their enquiry dealt with in a "polite and enthusiastic manner". While 84% of firms asked for the caller's name if they had not already offered it, only 44% actually used it during the call. Again, this goes back to empathy.

“ I FELT THAT I HAD BEEN LISTENED TO AND TAKEN SERIOUSLY AS CLARE MADE SURE TO GET ALL MY DETAILS. I FELT LIKE I WAS A VALUED CLIENT AND I WAS CONFIDENT THAT SOMEBODY WOULD CALL ME BACK. THE CALL DID FEEL VERY BUSINESSLIKE AND HAD CLARE TRIED TO EMPATHISE WITH ME IN A WARM AND FRIENDLY MANNER, I WOULD HAVE FELT EVEN MORE VALUED. SHE HAPPILY GAVE ME HER NAME WHEN I ASKED FOR IT.

MYSTERY SHOPPER



When callers were directed to a fee-earner to take the matter on, a significant failure was that only a quarter were told the name of whom they would be speaking to. At least 70% said the initial call handler thanked them for the call and/or offered a "genuine" farewell.

Where the call handler could not put the call through – which happened in a third of cases – all but one asked for contact details for a call-back. Most callers were given an idea of when the call-back would take place, but only a third were told who would be making it.

There's a fair chance that yours will not be the only law firm a potential client will call, especially if they cannot get through to the right person to speak to at the first attempt. So if you have to call them back, do it quickly.

Research by American company Lead Response Management showed how the odds of qualifying a cold sales lead decreased six fold over the course of just the first hour.

As LawNet's 2017 The Client Experience report – highlighting the latest results from its client experience



DID YOU SPEAK TO A
FEE-EARNER/EXPERT
ON YOUR INITIAL CALL?
66% YES | 34% NO

reviews – puts it: "Those changing expectations are also shaped by interactions your clients have with other organisations. In today's world of instant communication and replies; next or even same day deliveries, is it any wonder that clients are no longer willing to wait a week for a response to a query?"

Put simply – the sooner you act, the better. Looking at our research, 35% of call-backs happened within 15 minutes, and another 18% within two hours. Shockingly, 23% of call-backs came after two days – or not at all. Why would you not call a potential client who had made the effort to contact you?

Speaking to the fee-earner/expert

For all that we are told that lawyers lack empathy, the people dealing with the substance of the call – who, of course, at some firms are not fee-earners but well-trained call-centre staff – generally scored better than those who first answered the call when it came to the human side of the interaction. For these purposes, we will call them the 'expert'.

Some 92% of our callers found the expert showed "appropriate enthusiasm", 86% said the expert empathised with their situation and all found the expert polite and courteous. They showed a good understanding of the caller's needs, spoke at an appropriate pace, and most used the caller's name.

While the expert generally explained how they could help and the cost structure of the claim, half did not actually outline the benefits of using their firm. In a market where everyone is offering the same basic service, it is important to expand on how you stand apart from your competitors.

Following up

This is where law firms are really slipping up – they give the information and then leave it at that. Only 11% of experts offered to send any further information to the caller; depending on how much detail the call has gone into, there is a lot of information for the consumer to take in – many would welcome confirmation in writing of the claims process and what they will need to do, even if it is just a link to a page on your website.

Meanwhile, a third of firms said they would make a follow-up call – but most of them did not ask what the most convenient time for this would be.

At least the follow-ups generally happened – although not always at the agreed time and date – and the shopper was asked if they wanted to proceed. Told the shopper would not be using the firm, a few tried to change their mind, but all acted "appropriately" on receiving the news.

“ THE WEBSITE WAS INFORMATIVE AND PROVIDED INFORMATION REGARDING THE MANY AREAS THAT THIS FIRM SPECIALISED IN. MY ONE CONCERN REGARDING THE WEBSITE WAS THAT, AT FIRST GLANCE, IT CAME ACROSS AS RATHER AMATEURISH AND DID NOT IMMEDIATELY GIVE ME THE IMPRESSION THAT THIS WAS A FIRM OF SOLICITORS.

MYSTERY SHOPPER



WERE THE BENEFITS OF USING THE FIRM OUTLINED? 51% YES | 49% NO



The Legal Services Consumer Panel research shows that, where clients do shop around, most only seek out a maximum of three quotes. If they have called you, the odds are that you are in with a good shout of picking up their work. You need to push, albeit gently and professionally, to be the one they choose.

Overall picture

In the main, our mystery shoppers were happy with their interactions with law firms. Four in five found their overall treatment warm and engaging, and there were virtually no complaints about having to wade through jargon. But what was lacking was a sense that the firm really wanted the work – asked whether they felt the firm attempted to add value or ‘go further’ for them, only 52% said yes. This may just be a case of highlighting the qualities of your firm and explaining just how well each client is treated. Put simply, you need to sell yourself and your firm to potential clients.

Are you taking contact details? Are you sending follow-up information? Basically, are you showing the consumer the kind of service they can expect if they instruct you? First impressions count.

But let's end with the good news. We asked the callers to rate the likelihood of their recommending the firm to others, based on their experience, on a scale of 1-10 (10 being ‘definitely will recommend’). Only 8% gave their firm a perfect ‘10’, but 26% said ‘9’ and 28% said ‘8’.

Compared with Insight6's 2017 report The Client Journey Project – which mystery shopped law firms across a wide-range of everyday legal issues – these findings indicate that PI firms are doing significantly better than the wider profession.

Only 55% of callers in the 2017 report said they would contact their firm again, 52% would recommend the firm and just 28% thought the firm was offering ‘added value’. But rather than seeing this as a cause for celebration, it is arguably more of a sign of how far non-PI lawyers have to go.

One side note – only 38% of callers said they were asked how they found out about the firm. This is information you should seek to capture to help target your marketing activities.

WERE YOU GIVEN THE TEAM MEMBER'S CONTACT DETAILS? 53% YES 47% NO



For more in-depth information please visit comparemarketing.com/whitepaper



EATON SMITH

Huddersfield firm Eaton Smith has a separate PI brand, YES Personal Injury Lawyers.

Adele Whitfield, head of PI, says: “All calls come into our new cases team, which deals with clinical negligence cases itself but passes on PI claims straight to one of three dedicated fee-earners. This gives the customer the reassurance that this is the person they will be dealing with from beginning to end. We don't pass clients around – the person you speak to is the person who handles your claim and we find that this is a big selling point.”

Also, as the majority of the firm's work comes from First4Lawyers, the first level of screening has already been done. “It's easier to have a fee-earner take the enquiry so they can understand and get a feel for the case straight away. Unless it's a quirky case, the fee-earner will decide

there and then whether we will go ahead with the case.”

There is a work mobile which the fee-earners take home so that the firm can take and return calls until 8pm. “That captures a lot of people because they're not expecting a call at that time,” Adele says.

Eaton Smith has just relaunched its website and added an automated chatbot.

“We wanted our website to be as user-friendly as possible and we wanted to make sure our visitors could find the information they needed straight away in order to reduce the bounce rate,” says Adele.



TRUE SOLICITORS

True Solicitors is a multi-office firm of a size where the number of inbound enquiries means it needs to have a dedicated first response team.

Newcastle-based operations manager Caroline Houghton says the team has been trained on how best to engage with clients, and is regularly monitored to ensure that its members are putting that training into action.

That means she and other managers regularly listen to recordings of calls, especially those where clients don't want to use True. “If we can get more information on what's stopping them wishing to engage with us, you can sometimes re-engage with them.”

Generally, Caroline says, callers do not insist on speaking to a fee-earner, which is a testament to the training and ability of the first response team – but if they do, then that will be accommodated.

What the first response team does not do is make the decision to take a case – that is for senior lawyers to do within 24 hours, but the firm keeps in contact with the client during that time.

“The first response team has basic criteria of what would be rejected at the initial call – for example a very slight injury, a claim where the limitation period has expired etc. Following completion of the call, the client is then informed that we will be back in touch to advise the next step.”

All web enquiries, meanwhile, are forwarded to the first response team manager and a partner. During working hours, the target is to respond within half an hour.

The full versions of these case studies can be found at comparemarketing.com/whitepaper

SO WHAT DID WE FIND?

WEBSITE ENQUIRIES

The online mystery shoppers used the scenario of a supermarket worker who slipped on a wet floor in the staff room and has been off work for a month due to a bad back suffered as a result.

Gaining access

There are, of course, various ways in which clients can find you, but your website is a primary tool. First4Lawyers' own experience is that initial contact is split roughly equally between telephone and online. But the goal of online contact is to turn it into a telephone conversation, where the opportunity to convert it into a client is much higher. Our shoppers started off by searching for personal injury lawyers in the area where the law firm they were testing was based. Some 78% said it was easy to find the firm's website – we talked a lot about search engine optimisation in last year's white paper. Never forget that PI is one of the most competitive search subjects on Google, and if a consumer cannot find your website easily, they will most likely be diverted off to someone else's.

Given the competition and the nature of the client, PI firms generally have good-quality websites that are easy to navigate, have the information the user needs and make submitting an enquiry simple – those were certainly the findings of the research. Some 92% said they had a 'positive' or 'extremely positive' impression of the firm based on the website alone, and 94% said they would have made an enquiry had the scenario been real.

Initial response

Research into the general expectation of how quickly a business responds to customer service emails indicates that consumers are only getting more impatient. Forrester Research in the US found that 41% of consumers expected a response to an email within six hours of sending it, while more recent findings by another American consultancy, Toister, said businesses should target a response time standard to emails of one hour, with 15 minutes representing "world-class service".

The results from our research were skewed by the fact that a lot of the web enquiries were sent out of hours. Excluding automated responses, only 4% of our shoppers received either a call or email within 15 minutes, a figure that rose to 22% within two hours.

Another third were contacted within two to eight working hours, and a further 20% within eight to sixteen working hours. That left 10% who had to wait for more than two days and 14% who did not receive a thing. We don't want to repeat ourselves, but why do some law firms not want new business?

A third of the initial responses were by email, rather than telephone, and these were generally of good quality – most felt the email was personalised.

But as we say, the aim is to get the consumer on the telephone, so if you are going to respond initially by email, make it clear that you will be calling to follow-up and when that will be. And then stick to your word.

Ideally, though, you will get on the phone as quickly as you can – if the contact has come overnight, there is a good chance that the consumer will have sent similar enquiries to other firms, so be the first to respond. A quick response should be ingrained into those handling your incoming enquiries.

DID THE WEB ENQUIRY LEAD TO A CONVERSATION?

84% YES | 16% NO

Speaking to the fee-earner/expert

In 84% of cases, the web enquiry led to a telephone conversation and the assessments of those calls were largely comparable to the telephone-only results outlined above.

This means that they were generally good conversations, but the expert again failed to really 'sell' the benefits of using the firm, and usually did not offer either to send further information or arrange to make a follow-up call.

It may be because of the way the initial contact was made, but where this group of shoppers did receive follow-ups, they were generally by email rather than telephone – the opposite of the telephone group. In the small number of telephone follow-ups, some did try and change the shopper's mind about going elsewhere, but their manners did not desert them on hearing the news.

Overall picture

Those approaching law firms through their websites had a less positive experience than the telephone callers – not by a huge amount, but notable nonetheless. Three-quarters described their treatment as "warm and engaging", but using the same 1-10 score on the likelihood of recommending the firm to others, 40% scored them with an 8, 9 or 10, compared to 62% of the telephone callers.

Why is this? It most likely comes back to empathy. Starting online is an inherently impersonal experience and the relatively slow response time of many firms to that initial enquiry risks starting off with the potential client on the wrong foot.

WAS IT EASY TO FIND THE FIRM'S WEBSITE?

78% YES | 22% NO

Live chat is becoming an increasingly popular way to counter this. In the same way that you wouldn't expect someone to walk into your reception, have a look around and then walk out again without being engaged by a member of staff, live chat offers a way to engage website visitors quickly and easily, especially those who are not yet ready to lift the phone and/or are shopping around.

This is a feature with which consumers are becoming increasingly familiar in other areas and is starting to permeate law – for example, Citizens Advice users can chat to an adviser about their problems online. However, for PI firms, you should be looking at chat as a way in to that telephone

conversation, rather than to provide detailed legal advice. At the same time, it can be a way to screen potential clients by answering their basic questions.

There are two main approaches to live chat. One is to have a 'chatbot' – an automated addition to your website – that follows a set of rules to direct visitors to your website using scripted questions, with the goal of obtaining their contact information. A particular advantage is that it stays live out of hours, but on the other hand it is less personal.

The second is 'live chat', when you actually have a person responding to the website visitor's questions – employed by your firm or an outsourced provider – albeit with the same ultimate goal. This is yet another route to capture clients and projects a smart, modern image of your firm.

We use live chat ourselves and our experience is that we have been able to onboard more clients that are potentially nervous about picking up the phone to make an enquiry.

The message is that you have to work that little bit harder to convert the web-based enquiry, but once you have them on the phone, the business is yours to lose.

Some good news

Benchmarked against the wider legal market, PI firms are performing well. Insight6's The Client Journey Project shows that PI firms are offering a substantially better experience to callers on pretty much every measure, including how well written the email response was, and whether the email encouraged a discussion.

That research found that 65% of website enquiries received a response within four hours, a further 13% within a day, but a stubborn 22% took more than two days.

Again, the overall picture of the wider profession from the 2017 report showed the relatively strong performance of PI firms. Only 55% of callers in the 2017 report said they would contact their firm again, 53% would recommend the firm and 43% thought the firm was offering 'added value'.





“ YOU HAVE TO ENGAGE WITH CLIENTS, AND MAKE THEM FEEL SPECIAL AND WANTED. ”

DAN THOMPSON



WARNER GOODMAN

South-coast law firm Warner Goodman is fully signed up to the importance of training staff and monitoring conversions.

Last year, all staff across all departments underwent training on sales and conversion so that everyone received the same message that there is a 'Warner Goodman way' of handling the telephone and enquiries. The injury team receives quarterly refresher training too.

The injury team has a dedicated phone number so as to reduce the number of steps a potential client has to go through before reaching someone to talk to.

It certainly seems to be working. Solicitor Dan Thompson, business head of the injury team, says the firm is converting at the highest level he can ever remember.

He describes incoming enquiries as *"the single most important call that comes into the office"*. Dan explains: *"If you don't treat that phone call with the respect it deserves, you might as well burn £5-600."*

Calls are dealt with by a claims handling team, who work to a structure but not a rigid script, he explains. *"You have to build a rapport – it's all about empathy and understanding. You can't just go through a tickbox of 'you had a claim, great, when, where'. You have to engage with clients, and make them feel special and wanted."*

The claims handler's target is to convert the client on that first call; they then book a sign-up agent to visit them within 48 hours.

Marketing manager Karen Clarkson adds: *"The main thing with the training is that they have control of the conversation, meaning they are able to adequately demonstrate their expertise throughout the whole call so that objections are less likely to arise. Having control of the conversation is important to lead to the best outcome for us and the potential client."*

The claims handler's role does not stop here – while others do the legal work, they continue to be the client's main point of contact, unless the case drops out of the portal, say, when it would be transferred to a more senior member of staff.

Dan says this makes the claims handler's job a more interesting one and also helps with conversion: *"If you know that this is going to be your client for the next nine months, it's much easier to have genuine understanding and empathy. It also makes it easier for the client as they have one point of contact throughout their claim."*

For web enquiries, the aim is to respond within an hour. If it came in overnight, they try and call first thing in the morning, in case the client has sent out a few emails to different firms.

The full version of this case study can be found at comparemymarketing.com/whitepaper



BEST PRACTICE SO, YOU KNOW THERE'S A PROBLEM – WHAT DO YOU DO ABOUT IT?



Get your mind-set right

First of all it's a matter of mind-set. Professor Ian Cooper, who specialises in training law firms on lead conversion, says: *"There's a complete failure to recognise that what's going on is a two-way process. Firms are totally focused on risk assessment, case assessment and whether they want the client, and ignoring whether the client wants them."*

There are dangers in the two-tier system that has developed in PI where a first responder/screener initially takes the call, and at the end says they need to pass it on to a solicitor, he says.

"Firms are looking at this as an administrative, rather than sales, task – thinking that comes down from the boardroom and leads to a lack of training in dealing with calls. As a result, the process can be slow and very rigid. If someone has had an accident, they're angry and anxious, and the reason they've called a firm of solicitors is that they want to talk to a solicitor about their case. People are most likely to buy at the peak of the anxiety or desire curve."

He recounts calling one major PI firm – it was only after 12 minutes that the screener (who did not explain her role) asked what the injury was, and it was 29 minutes before he was told that he would have to talk to someone else. But there was no call back the following day as agreed, and no response to the five chasing calls he then made.

"If a lawyer's too lazy to pick up the phone and talk to someone who's injured and might give them the business, then they don't deserve it in the first place," Professor Cooper says. *"Many firms have moved a long way from basic client values – there is a corporate arrogance that believes that if someone has rung them, they will automatically be instructed."*

But the two-tier process can work if done correctly, he adds. He talks about one firm where the first responder explained that she would take his basic information and then pass it to a colleague who would respond within an

hour. *"I got a call within five minutes from a partner – it made me feel like my accident mattered,"* he says.

Put a structure in place

According to Andy Cullwick, First4Lawyers' head of marketing, the starting point is having a robust structure and standard operating procedures for dealing with calls and follow-ups.

For example, do you have the capacity to answer all the calls that come in? What happens at lunchtime? How do you deal with call spikes or out-of-hours calls? Do you know when those spikes are? Leading outsourced telephone answering provider Money Penny has reported a 13% surge in calls to law firms on the day after bank holidays, and that law firms' lines are busiest at 10am on a Tuesday. Is that true of you?

So, do you need an outsourced provider to deal with overflow calls? Or perhaps you have other staff lined up to be secondary call-handlers during busy times?

The challenge is to convert the client on the first call – certainly when First4Lawyers puts customers in touch with panel firms, the pre-vetting process and trust in our brand means the expectation is that they can convert this quickly.

It is going to be harder when the customer is a 'cold call', but by no means impossible. Firms have different approaches to using scripts – if the call is too much of a box-ticking exercise, you risk not showing the empathy needed. Equally, you need to obtain a certain amount of detail about the case.

A big issue that you need to consider is whether the call handler has the power to accept the case; this may be less of a problem if they are fee-earners, but obviously the longer you wait to make a decision, the greater the risk of losing the client. If the call handler needs to refer a case to a partner or manager, it's best if you can keep the caller on the phone while you do it, as Warner Goodman does (see case study). If not, then make the decision as soon as possible.

DID THE TEAM MEMBER EMPATHISE WITH YOUR SITUATION?

86% YES | 14% NO



Dedicated staff

Andy recommends, if possible, having dedicated call-handler(s). You need to have the best possible people doing this. "They pay for themselves," he says. "It's more difficult for smaller firms, but you have to think about how you can use them. They could provide live chat on your website."

They could be the client's first point of contact throughout the case.

"You hear stories of clients complaining that they haven't heard from their solicitor in months. Obviously that can be down to the speed of the legal process, but clearly the solicitor hasn't told them or managed their expectations. Dedicated customer service can do that for you and stop unnecessary and disruptive calls into your fee-earners."

This also touches on the delicate issue of whether lawyers are the right people to turn enquiries into instructions. They have the technical ability, and this is important to reassure potential clients that they are in safe hands, but do they have the communication skills and empathy to reel in the client? Though there is a broad generalisation that they do not, our research indicates signs of significant improvement.

Our research showed that when a mystery shopper was put in contact with the fee earner/expert generally they were really happy with the conversations and level of service they received – empathy was displayed (according to 86% of callers) and they demonstrated a good understanding of the caller's needs (94% of callers).

As we explained earlier, it was the 'sales pitch' where they are falling short, failing to let the client know the benefits of them choosing their firm. Often fee-earners spent considerable time talking to the client and explaining the process and empathising with them, only then not to take any customer details and so having no way to follow-up with

the client. They would often say "I'll leave it with you to think about". This lack of sales mentality is what results in the poor follow-up results.

Andy Cullwick says you can teach empathy "to a point". But ultimately you need an empathetic character, someone who sympathises with the injured person at the end of the line for what they are suffering rather than being pleased they have developed complications because the damages will be higher.

The nature of First4Lawyers' business means that these skills are paramount. "When we're recruiting for claims advisers, we do the first interview over the telephone, because that's where their job is. You can tell a lot from that," he explains.

"We then bring them in for an assessment afternoon. We go through some ice-breakers to see what their personalities are like and then get them on the phone doing role play with an accident victim. At this stage, technical knowledge is not the priority, but how well they approach the conversation, how they put the client at ease. That's the heart of what we need and is harder to identify than technical knowledge."

Andy adds: "We train our people to the point of 'is there a case?', and developing their soft skills to align with the client – we have to show that we understand what they're going through."

"It's important to remember that it can be a big step for people to take the plunge and make that phone call. If the situation is emotional, it is more challenging still for all concerned. To have a solicitor dealing with the call who's pushed for time, thinking of their current case, and so not going to be the most empathetic is one of the reasons neither firms nor callers are following up."

For more in-depth information please visit comparemymarketing.com/whitepaper

TOP 5 DO'S AND DON'TS

TOP 'SELLING' TIPS (THE DO'S)

- 👍 **Make initial contact as soon as possible**
Within 15 minutes if you want to offer 'world-class service'.
- ➡ **Outline the key benefits of using your firm**
What are your key differentiators / selling points?
You could include the level of service the client can expect to receive, as well as any added value your firm can offer, such as particular experience of dealing with this type of claim.
- 💬 **Communicate with potential clients**
Many of your new potential clients won't have been through the process of making a claim before. Explain the process and set expectations – if you're unable to make a decision on their claim until tomorrow, be sure to tell them that.
- 📄 **Follow-up enquiries**
Capture client details including name, telephone number and email address so you can follow-up with them.
- 👁️ **Put yourself in your client's shoes**
Carry out your own mystery shopping – it could be an eye opener, but it will give you the feedback you need to be able to make improvements in the areas that need it most!

THINGS TO AVOID (THE DON'TS)

- 🗨️ **Say one thing and do another**
Be sure to follow through on what you say. If you tell a potential client that they can expect a follow-up call from you, make sure you call them when you said you would.
- 🗨️ **Go into too much detail**
The potential client doesn't need to know the finer technical ins and outs of what's involved in making a claim. You can talk them through the process, but what they really want to know is that you understand their situation and will do everything you can for them.
- 🕒 **Waste time**
Understandably 'phone tennis' can be frustrating. Review your customer journey to make sure that you're adding value to the client at every stage of contact. This will save you time and money in the long run.
- ⚠️ **Scare the potential client off**
Don't jump in too soon asking for information such as National Insurance number. It's not vital that you gather such in depth information as part of the initial enquiry. Focus on showing empathy and building that all-important relationship with the client first.
- 🗨️ **Give contradictory information**
Be consistent in what you are telling potential clients. Giving contradictory information doesn't give the best first impression of your firm.



CONCLUSION

No area of the law has been more in the crosshairs of government, regulators and new competitors than PI. It is no longer a comfortable area to practise in.



“ I ASKED IF I COULD SPEAK TO SOMEONE ABOUT A PERSONAL INJURY CLAIM AND I WAS ASKED IF IT WAS A NEW ENQUIRY AND HOW HAD I HEARD OF THE FIRM? MY NAME WAS REQUESTED AND I WAS ASKED TO HOLD ON. I WASN'T TOLD WHO I WAS BEING TRANSFERRED TO AND THERE WAS NO THANK YOU OR FAREWELL. ”
MYSTERY SHOPPER

The old certainties have disappeared. Consumers may not be particularly savvy at shopping around for legal services currently, but there are strenuous efforts to change this. Regulators are actively welcoming the involvement of intermediaries like review and comparison websites to aid consumer choice. If you don't deal well with a customer, there are now plenty of places where they can express their unhappiness.

The dynamics between lawyer and client are changing. Consumers are just one click away from seeing a competitor brand. The likely shrinking of the PI market following the next stage of government reform will only increase competition for the remaining work.

We know from the LASPO experience what that means – smaller margins, firms getting out of PI or even going under. The firms that survive and thrive are the ones that know what they do well, that do it efficiently, and that are not afraid to shout about it.

WAS THE TEAM MEMBER ABLE TO DECIDE WHETHER TO ACCEPT YOUR CASE?

71% YES | 29% NO

So firms need to be asking themselves a lot of questions: How do they stand out from their competitors? Is it the type of work or the quality of service or both? Where does technology fit in? Do they offer chat on their website and a customer-facing portal that allows clients to follow the progress of their claim?

Ultimately, though, people buy people, as the saying goes, and our research is very encouraging in showing that, when it comes to converting calls and web enquiries, PI lawyers are getting a lot right, especially in comparison to other areas of practice.

The fear that lawyers lack the empathy to deal with these conversations appears misplaced, but we have identified important areas for improvement: more rapid response to web enquiries, the need to 'sell' the benefits of using the firm, and – if you cannot convert during the first call – proactive follow-up that means you do with the second.

Law firms cannot rest on their laurels and sit back and wait for consumers to come calling. Those days are long gone. Firms now need to be doing everything they can to attract and convert clients.

In the world of PI, this all means that customer service is going to become an even greater differentiator for firms. So pick up that phone or answer that email like you really mean, and want, business.



THE NEXT STEPS

It is worth repeating what Dan Thompson of Warner Goodman said – an incoming enquiry is “the single most important call that comes into the office”.

Do you treat it that way? I hope this white paper has explained why you should. Because if you do not, it is increasingly likely that there is a firm up the road or (more probably) next on the Google search ranking that will; more and more firms are looking to professionalise their approach to all parts of what they do.

Below I've set out a simple process to follow to improve the way you deal with enquiries. But before that, you need to make sure that there is a senior partner or member of staff owning and driving the project.

Remember that the incoming call is not really about you – it's about the potential client. They have a problem that they think you could solve. That's a great start, although you'll need to differentiate between the caller who is half-sold on you already and just needs a gentle nudge and the caller who is simply shopping around. You need to be able to convert both.

Deal with them as an individual rather than just another potential file number. So gauge their level of knowledge: have they called because they've heard of you or because they've clicked on a Google advert? Do they have a rough idea of what a claim might involve? Do they understand any of the terminology?

There is a surprising amount of detail that needs to go into your planning for incoming calls, but then new business rarely comes easily.

The challenge is clear – can you convince your caller that you are 'the one' for them? Good luck.

Andy Cullwick, Head of Marketing, First4Lawyers

5-STEP ACTION PLAN FOR IMPROVEMENT

1. Carry out an internal audit

Review your existing processes in order to identify the areas that need improvement most. Make sure that you put your clients at the centre of the review – could your processes be improved to make it easier for them?

2. Identify your top 5 areas that require improvement

You may have your 'initial contact' nailed, but perhaps you need to focus on capturing client details and ensuring you have a robust follow-up process in place.

3. Create an action plan for improvement

Map out step-by-step actions, along with the people in your team who are going to take responsibility for the different steps and a deadline for completion.

4. Implement your plan

Kick start your action plan by getting everyone in your team involved. Think of ways in which you can make it as engaging as possible in order to get buy-in.

5. Review periodically and celebrate your successes

Review your plan to see what areas you're making progress in and be sure to celebrate your successes with your team. Don't rest on your laurels!

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