

CREATING A CUSTOMER-FIRST CULTURE



white paper

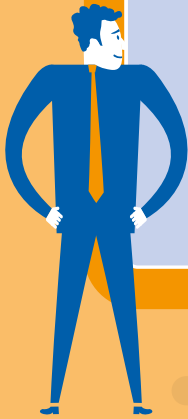


OUR SURVEY

Says that...

44%

of firms responded online to a Facebook enquiry within two hours, 32% did not reply at all



67%

of callers after-hours did not end up speaking to a fee-earner/expert, even two days later



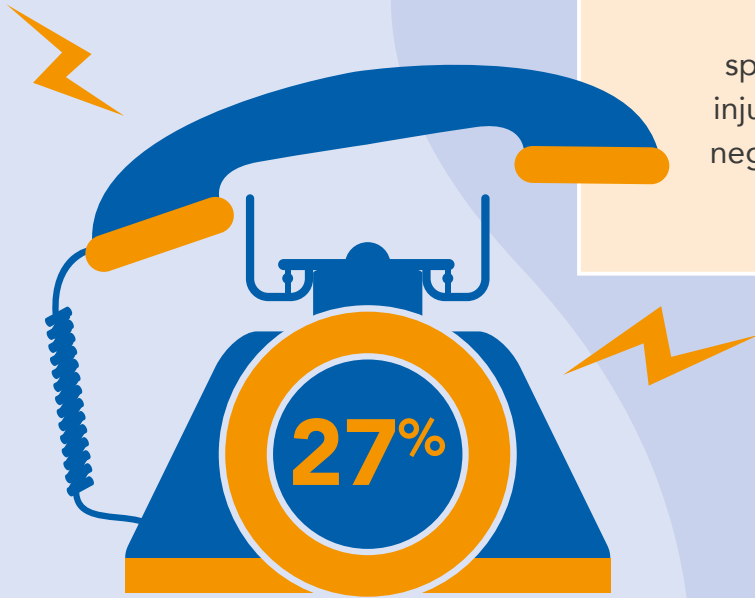
64%

of shoppers had a 'very positive' or 'positive' impression of the firm based on their Facebook page

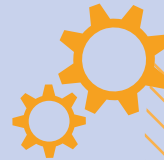


52

specialist personal injury and/or clinical negligence law firms contributed



of callers after-hours were not able to leave a message



36%

of daytime callers received a follow-up call



83%

of daytime callers were asked for their contact details for a callback if the right person was not available to speak at that time





WELCOME

Our 2019 white paper focuses once more on that vital first step in the client journey: their first contact with your firm.

It is no good for any of us if the investment made in generating leads does not turn into paying work, and last year's research showed a mixed bag of performance – some personal injury firms operate a slick system in dealing with prospects, but others need to up their game.

It was pleasing that our panel firms generally performed better than the non-panel firms we mystery shopped, but with the Civil Liability Act reforms looming large on the horizon, there is no time for resting on laurels.

As well as returning to the baseline performance of handling a daytime telephone call from a potential client, this year we are looking at how law firms are responding to changes in consumer behaviour. What happens when someone

calls out of hours? How do law firms present themselves on Facebook? How do they respond to being contacted via Messenger?

It barely needs saying that the days of consumers fitting in at lawyers' convenience are over – a 21st century service culture is the future.

We explain in the following pages why developing a firm's ability to convert clients is becoming more important than ever. I hope that the findings of our mystery shopping exercise, and our practical advice on how to improve performance, points you in the right direction.

Qamar Anwar, Managing Director, First4Lawyers

first4lawyers

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“ IT'S TIME TO MEET TODAY'S CONSUMERS ON THEIR TERMS. ”

So said a report issued last year by the Retail Industry Leaders Association and Accenture. It went on: “Digital technology has liberated the retail experience. No longer tied to the local store, the nearest mall, or the big-box outlet, shopping now happens anytime, anywhere, and in any way.

“Shopping is an increasingly ‘invisible’ activity, embedding itself seamlessly into new digital and physical channels, using ever-more natural gestures and simple conversations, managed through broader connected ecosystems of businesses, consumers, and social platforms.”

That’s fine for retailers, you may think. But we’re selling professional services. As the cliché goes, it’s not the same as a tin of beans.

Only, in so far as consumer expectations are concerned, it’s not all that different. The dynamics between lawyer and client are changing. Consumers are just one click away from seeing a competitor brand. Firms now need to be doing everything they can to stand out from that competition.

This report follows up on our research last year into how personal injury (PI) law firms deal with incoming enquiries on the telephone and through their websites. This year we have pushed further to investigate how firms cope with out-of-hours enquiries and consumers contacting them via Facebook.

We again commissioned customer experience specialists Insight6 to put its mystery shoppers to work on testing how 52 leading PI firms up and down the land meet these challenges.

Here’s an eye-catching statistic: according to outsourced telephone answering specialists Moneypenny, one in 10 calls to a law firm is from someone making a brand new enquiry. The business is there if you can convert it.

Last year’s results painted a mixed picture, but they were positively rosy compared to some of the latest findings. Law firms have a long way to go if they are to make the best of these less traditional methods of contact.

This is what one of our mystery shoppers said when a firm got things right: *“Michelle dealt with my enquiry in a warm and engaging manner throughout and explained the claims process to me clearly and concisely without using complicated legal jargon. She was able to make a decision to accept my claim there and then while I was still on the phone. I felt that Michelle offered to go further for me by offering to send a team member to my home for the initial meeting so that I didn’t have the inconvenience of having to travel to the office with a broken ankle.”*

And this is what it sounds like when a firm gets it wrong: *“No sympathy or empathy was shown at any point and Karen didn’t say that she was sorry to hear about my accident. The questioning felt like an interrogation, designed to complete a form, and I didn’t feel that the conversation was at all polite or enthusiastic.”*

WHY IS THIS IMPORTANT?

We live in a 24/7, on-demand culture. Patience is in short supply; if one service provider cannot meet your needs as and when you want, it is easy to find another. This is even more the case in legal services, where there are few, if any, recognisable brands to which consumers may have some loyalty.

This is particularly so in an area of law like PI, where the nature of the 'no win, no fee' model means that pricing is less important than in other types of legal work – although it remains to be seen whether the Court of Appeal ruling earlier this year in *Herbert v HH Law* will start generating some competition around the level of success fee different firms charge.

As mentioned above, changing consumer behaviour is not just affecting retailers. A survey by Accenture in 2017 highlighted how for many financial services consumers – especially Gen Y and Gen Z respondents – Google, Apple, Facebook and Amazon (collectively known as GAFA) were attractive alternatives to traditional financial providers.

“Financial providers used to control the customer relationship, but now consumers do. Retail financial services is no longer ‘business-to-consumer’ – it has become ‘consumer-to-business’... In a world where the customer is in control, providers need to show every day that they are committed to customers and passionate about delivering great service.”

Sound familiar? The research added: *“The Luddite consumer is consigned to history – everyone is digitally active to some degree.”*

PRESSURE POINTS

It's not that PI law firms have exactly the same challenges as Heinz, but it is undeniable that wider consumer trends do affect legal services too. The use of social media is an obvious example. So what's next? 'Omni-channel' retail is already key for many big brands – defined in a report last year from BigCommerce as a term used to describe *“brands that sell across all channels, including: branded website, marketplaces like Amazon and eBay, brick-and-mortar stores, and social commerce like Facebook and Instagram.”*

Again, the read across to law isn't exact, but that same need to engage with would-be clients where they are,

rather than where you'd like them to be (such as having called up a week earlier for an appointment) very much is. It is unrealistic to believe that legal services are so unique that wider consumer trends will not affect the market.

Law Society research on consumer behaviour in 2017 highlighted this. *“Most focus group participants used online providers regularly for a range of purchases and services,”* it noted. *“The key reason... was convenience, as access is available 24 hours a day and does not require travel. This was especially true if consumers have mobility issues, young children, poor local transport and/or live in a remote area.”*

Participants also said they believed they would find cheaper deals and there was more choice online. Interestingly, some clients indicated that they would pay more to have the option of out-of-hours service.

This is all against the background of continuing work from legal regulators to help clients shop around for legal services. In December 2018, new Solicitors Regulation Authority (SRA) rules came into force requiring law firms to provide greater transparency on price and service through their websites in various areas of law, although PI was exempt.

They have not been adopted with overwhelming enthusiasm. An SRA web sweep of 447 law firms, published in June, found that only 25% of websites were fully compliant with the new rules. Nearly a fifth (17%) were not compliant at all, and 58% were only partially compliant. It is notable that the SRA checked 500 sites in total, but 53 did not work.

The SRA has previously promised to issue guidance on how PI firms can be more transparent too, but this has yet to be done. 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.”*

“ There did not seem to be any point in making a Facebook enquiry as all the firm did was to send a message asking me to call them. I was left a message by someone who did not leave a name and, when I did call back, instead of talking to me and establishing my needs, I was grilled for half an hour before having my details risk assessed. This made me feel that the firm was not putting me first.

MYSTERY SHOPPER

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SHOPPING AROUND

Certainly, there is still a long way to go until regulators' goals – which are the result of the Competition and Markets Authority's review of the legal market in 2016 – are achieved, particularly in personal injury. The latest figures indicate that consumers with injury claims are more unhappy with the law firms on offer than in other areas of law.

The Legal Services Consumer Panel's annual tracker survey this year polled 3,589 people who have used legal services in the last two years. Published in July, it showed that the proportion of consumers who shop around before choosing a legal services provider has slowly increased since 2011 from 19% to 28% at present. However, it has remained fairly stagnant over the past three years.



Younger consumers were more likely than older consumers to shop around, with 39% of 18-34 year olds doing so, compared to 25% of those aged 55 and over. Those who needed conveyancing services were most likely to shop around (38%), but only 16% of consumers using services for accident or injury claims did so.

When shopping around, 19% of consumers compared two providers, 43% three and 19% four. Many didn't spend too long on it, with 40% saying the search process took a day or less. It was striking that, of the 10 areas of law covered by the survey, accident and injury claims was the area users rated as having the lowest choice and value for money. They were also more unhappy with the service they received. Accident and injury claims had the highest proportion of dissatisfied consumers (10%), while 22% of consumers using an accident or injury claims service felt their matter was not dealt with in a timely manner, again the highest figure of all the areas covered.

WHAT WE FOUND LAST YEAR

The results of our 2018 mystery shopping exercise showed that PI firms were missing out on significant amounts of business because of the way they handled incoming enquiries from potential clients.

Following up contacts was the most striking problem: where firms had to call back the mystery shopper, 23% of them did not do so for more than two days – or at all. By contrast, 35% called back within 15 minutes, a world-class level of response.

In the main, the 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. There was

also evidence that many firms failed to 'sell' the value of using them to the caller and usually did not offer either to send further information or arrange to make a follow-up call.

Nonetheless, when asked to rate the likelihood of recommending the firm to others, on a scale of 1-10 (10 being 'definitely will recommend'), some 62% gave an 8, 9 or 10 (8% scored a perfect 10).

In 84% of web enquiries, the contact led to a telephone conversation, which is vital if solicitors are to convert them into clients.

Dan Thompson, Partner and business head of the injury team at south-coast practice Warner Goodman, described incoming enquiries as "the single most important call that comes into the office". He added: "If you don't treat that phone call with the respect it deserves, you might as well burn £5-600."



I was told that someone from the firm would call me back shortly. I then waited in excess of 10 working hours before Kate called me. She told me that I would be unable to obtain advice over the telephone and that I would have to make an appointment to see Mr Smith at his office at a cost of £150 per hour plus VAT.

MYSTERY SHOPPER



HERE COMES THE CIVIL LIABILITY ACT

Looming on the horizon is, of course, next April's Civil Liability Act reforms, which will see all road traffic accident (RTA) claims worth less than £5,000 directed to the small claims track. Competition for work is about to go through the roof.

The most recent government estimate, contained in an updated impact assessment published by the Ministry of Justice earlier this year, is that a quarter of RTA claims will not be pursued under the new regime that would be today, and of those that are, 91% will fall within the small claims track – a total of 320,000. That leaves just 30,000 outside the new regime. *"This is likely to reduce demand for claimant lawyers,"* the assessment observes, with a hint of understatement.

First4Lawyers' annual State of the Market survey, to which over 100 solicitors responded, revealed in May that a significant majority predicted the reforms would lead to a sharp contraction in the claimant PI market, with firm closures and staff redundancies.

Indeed, the changing PI market was already having a negative impact, with 42% saying their firm had seen profit decrease over the past year (it had increased for 30%), while 46% said cashflow had worsened and 40% had seen staff numbers reduce. Almost half said the cost of doing business had increased.

The huge cull of law firms would leave a small number of big practices, some thought, while many expected a new breed of claims management company to become the dominant handler of low-value work. An optimistic 21% said the profession would find a way to handle small claims.

Certainly, there is a lot of work being done by law firms to prepare for 6 April 2020. Whichever way you look at it, there will be fewer claims, different charging models – damages-based agreements seem likely in low-value cases – and a much harder environment. Only the best firms, with the ability to attract and convert clients, will survive.

50%

of daytime callers were able to speak to a fee earner/expert on their initial enquiry attempt



SO WHAT DID WE FIND?

TELEPHONE ENQUIRIES

Interested to test last year's results, we first sampled some of the selected firms' approach to a standard daytime telephone call from a would-be client who had recently had a workplace accident.

The initial call

Exercises like the one Insight6 undertook break the contact down into every stage of the process. Happily, all but one of our callers got through the first step – actually connecting on the first attempt. Consumers will move on quickly if they cannot get through on the first or at least second attempt. But fewer than half were answered within three rings. How's your patience with a ringing phone when you're not that invested in who you're calling? According to Money Penny, 42% of callers who hang up after nine rings won't call again.

While virtually all call handlers identified the firm when they answered, only 21% gave their own name and, while most asked for it, only 36% used the caller's name. Showing empathy is at the heart of converting enquiries and using names – both yours and theirs – is a small but vital part of this.

All our callers said the phone was answered with a "genuine welcome" and almost all said their enquiry was dealt with in a "polite and enthusiastic manner".

Where the call handler could not put the call through to a fee-earner, 83% asked for contact details for a callback, but only a third were given an idea of when the callback would take place. Both figures, particularly the latter one, are notably lower than last year (when they were 95% and 72% respectively). And of this group, more than half did not receive a callback at all.

As we stressed last year, firms simply cannot afford to let these leads wither after spending so much to generate them. If you have to call them back, do it quickly.

Speaking to the fee-earner/expert

The good news is that the people dealing with the substance of the call – either fee-earners or well-trained call-centre staff – generally scored well. For these purposes, we will call them the 'expert'.

Some 90% of our callers found the expert showed "appropriate enthusiasm", while 70% said the expert empathised with their situation (down from 86% last year) and all found the expert polite and courteous. They showed a good understanding of the caller's needs, and all used the caller's name.

Where they were not so good was in 'selling' the service. Two-thirds explained how the firm could help and just 56% outlined the cost structure of the claim, while only 44% actually outlined the benefits of using their firm. You need to give callers as many proof points as possible to convince them to instruct you. This can be a particular weakness of call-handlers in law firms.

Following up

Unfortunately, just as last year, this is where law firms are really slipping up – they give the information and then leave it at that. Only 30% of experts offered to send any further information to the caller (albeit this was nearly three times the number last year) – while a mere one in five said they would make a follow-up call. And of those, just a third received a follow-up call.

Overall picture

In the main, though the sample was smaller than last year – meaning we need to treat the statistics with some care – our mystery shoppers were less happy with their interactions with law firms. Some 57% found their overall treatment warm and engaging (80% last year) and when asked whether they felt the firm attempted to add value or 'go further' for them, a paltry 29% said yes (52% last year).

This is about giving the sense that you want the work and that you are the right lawyers for them. First impressions count – you have to start as you mean to go on in the way you treat your clients.

This meant that, when 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'), the figures were discouraging. Nobody gave their firm a perfect '10', and only 21% gave a '9' or '8' – last year, 60% of callers gave their firm one of the top three scores, while just 8% gave them the bottom three scores. This year, it was 35%.



Anne applied quite a lot of pressure when asking about my earnings and I said it was the national living wage. She was very curt and said, 'What is that?' This was a very uncomfortable moment. She did not show any empathy with me at all.

MYSTERY SHOPPER



OUT-OF-HOURS CALLS

Our mystery shoppers called between 5.30pm and 7.45pm. Firms have various arrangements for out-of-hours calls – some larger ones have call-handlers working until as late as 8pm, others use paid-for call handling services. Then there are firms which route calls to a mobile phone looked after by a fee-earner on a rota, and those which simply switch on an answerphone. And then there are those that do nothing and just let the phone ring, never to know what work they've missed out on.

Nearly a quarter (24%) of our callers managed to speak to someone when they called, while a further 56% were able to leave an answerphone message. However, there was no facility for 18% to do so. And one firm had an answerphone but, incredibly, it was full and couldn't take any more messages.

Unsurprisingly, only 8% of callers actually managed to speak to an expert when they called. So, the crucial question is how long firms took to call them back. A similar number were on the phone that same evening, which is excellent. But a staggering 67% didn't hear from that firm within two working days – the latest we allowed for in the research.

What is happening here? Is nobody checking the answerphone in the morning? Is nobody taking responsibility for following up the messages? Is there a notion that these callers are less valuable than people who make contact during the day? Whatever the reason, these firms are not giving themselves a chance.

When our mystery shoppers did speak to someone, the results were not hugely different from those set out above. Unsurprisingly, though, only a third found their overall treatment to be 'warm and engaging', while 24% felt the handler attempted to add value or 'go further' for them. Overall, 60% rated the likelihood of their recommending the firm to others, based on their experience, at either 1 or 2.

FACEBOOK

Initial impressions

Though social media is still a foreign land for plenty of law firms, many of those we tested seemed at home on Facebook, with positive comments from our shoppers about what they found.

For example: *"It was easy to find their page by name alone and the posts looked really recent, a constant stream, giving me the impression that they were outward facing and keen to speak to the community via Facebook. The images also were 'real' and not 'super hi-resolution' professional looking – not an overproduced look. The 'feel' appealed to me and I thought they might be empathetic to my enquiry."*

Another also impressed: *"The Facebook page looked as though it was regularly updated with a mix of comments, videos and case studies. The firm celebrated achievements made by team members, both in the office and in doing charitable works. The case studies showed people who had been helped by the firm and gave an emotional account of how some people had been helped to recover their lives from difficult situations. It really showed the firm in a positive light and it would encourage me to get in contact with them."*

But not all firms were so on top of their account: *"The first impressions were not good, with the main page containing comments from people who were supposedly customers saying how the firm was not professional and that it ripped off customers. They also did not appear to use the Facebook page much at all, with the latest post being from September 2018."*

This shopper said: *"There was very little posted on the Facebook page and there was no information given. The page consisted of some pictures of team members and a web address. The page had no comments on it at all and had not been updated for 15 months. It looked as though the firm did not really use this as a means of communication with its customers and made me feel as though I would be unlikely to get a response to any enquiry that I made."*

Overall, 64% of our shoppers said they had either a 'very positive' or 'positive' impression of the firm based on the Facebook page alone, with 22% neutral and only 14% with a 'poor' or 'extremely poor' view.

Initial contact

A good Facebook page only gets you so far, of course – it's how you deal with the resulting contact that ultimately counts. Excluding automated responses, the best firms (12%) responded online within 15 minutes of receiving the shopper's message, while 32% did so within a very respectable two hours. A further 14% replied the same or following day. But at the other end of the scale, 32% did not reply at all. What is the point of maintaining a Facebook page if you are going to ignore the enquiries it generates?

Generally, the shoppers were happy with the responses they received. They were personalised and took account of their circumstances (according to 61% of shoppers), handled with appropriate empathy (62%), well written and grammatically correct (94%), and highlighted the potential next steps (94%). Two-thirds felt like the conversation was important to the firm.

Here was one happy shopper: *"This online conversation was personalised, empathetic and seemed helpful in that it gave clear guidance as to how to take my query forward.*

It referenced the circumstances of my accident and was well written and grammatically correct. The next steps were clearly indicated with the suggestion of a phone call, and I felt this to be very proactive especially as Liam phoned me within two minutes of my agreeing to a phone call. I was made to feel as though this was an important enquiry for Liam, particularly in the way that he addressed me by using my name on both occasions and the manner in which he signed off the messages."

Follow-up contact

Nearly half of the Facebook enquiries led to a phone conversation. An on-the-ball 4% of firms responded via Facebook to get a phone number and then called within 15 minutes of the initial message – this is the kind of proactive approach that wins clients, certainly more so than the 17% who took between one and two days to pick up the phone.

Again, the experiences of our shoppers on the phone largely mirrored those of our daytime callers. Some 46% found their overall treatment to be 'warm and engaging', while a mere 19% felt the handler attempted to add value or 'go further' for them. Overall, 50% rated the likelihood of their recommending the firm to others, based on their experience, at 1, 2 or 3.

93% of daytime callers said their enquiry was dealt with in a polite and enthusiastic manner

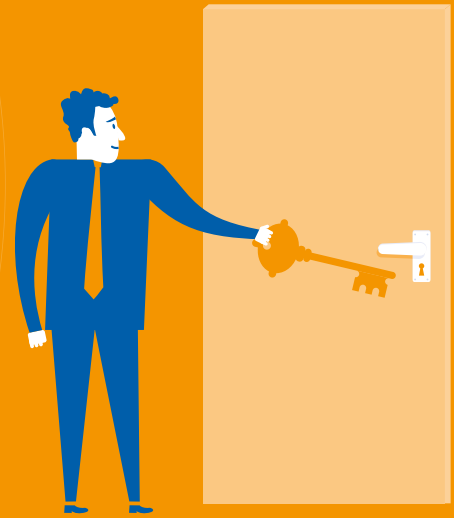




BARKER BOOTH & EASTWOOD



DARREN LOWE
HEAD OF PERSONAL INJURY



Barker Booth & Eastwood in Blackpool is a firm that puts its solicitors on the frontline of client conversion.

Head of personal injury, Darren Lowe, recommends this is a good use of time: *"Nearly everything we take on, we win. I'd rather sign up 75% of cases and win 95% of them than the other way around."*

"We don't delegate these conversations to junior staff. First of all, the solicitors can extract all the information they need in 30 minutes, whereas a junior staff member could speak to the caller for an hour and not get all the details or be able to answer their questions."

"Second, solicitors can tell how good a case is from the off. Unless they have particular doubts, which need to be referred to me, they can sign up the client on the spot."

Though some firms choose to defer final decisions to senior partners, making the caller wait to find if their case has been accepted, Mr Lowe says the risk is losing it altogether. *"They are all grade A fee-earners – we have a risk assessment procedure."* And if they do have to refer the case to him, it is done the same day.

BBE is clearly aware of the need to act quickly: *"We try and take the call immediately. If we can't, we arrange a set time for the solicitor to call them back that day or evening, and make sure that they do. If you say, 'We'll call back when we can', people will go elsewhere."*

The firm does not employ scripts, but stresses the need for solicitors to explain the process in a simple and understandable way. Mr Lowe says they sell the firm through building a rapport, dealing with concerns and emphasising that the caller is speaking to the person who will actually deal with their case.

Out-of-hours calls are left to an answerphone. All messages are listened to first thing in the morning by reception staff, and allotted to a solicitor to call back as soon as possible. The same approach is taken to emails that come in through the firm's website or Facebook page – although Mr Lowe candidly admits that BBE needs to do more to keep its Facebook presence up to date. As those running any smaller law firm will agree, you can't do everything.

Fundamentally, Mr Lowe says, conversion is about "hunger". He says: *"When we first started with F4L, we were hungry. We've tried to maintain that hunger ever since – it's difficult when you're so busy that you don't need the next enquiry, but of course in reality you do need it, and that is the message we send to our staff."*

“ *Nearly everything we take on, we win. I'd rather sign up 75% of cases and win 95% of them than the other way around.*

**DARREN LOWE, HEAD OF PERSONAL INJURY
BARKER BOOTH & EASTWOOD**



BEST PRACTICE

The best firms are always looking at ways to improve – the worst firms often aren't. Each can learn from the other.

Last year we focused on best practice in dealing with telephone calls in particular. These are the key points:

Get your mind-set right

First of all it's a matter of mind-set. And in the context of people who have gone through the upset of suffering an injury, this really emphasises the importance of showing empathy – something our results indicate is variable among the firms contacted.

As legal business development expert Professor Ian Cooper says, there's often 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."*

He explains: *"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."*

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. Scripts are desirable to ensure all relevant information is obtained, but the process shouldn't seem

too robotic – again, it comes back to empathy. Call-handlers should use a mix of statements and questions to create a dialogue, rather than a lengthy Q&A.

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? 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 from 10am-11am on a Tuesday, followed by Wednesday and Monday mornings. Is that true of your law firm?

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?

Dedicated staff

Andy recommends, if possible, having dedicated call-handlers. 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 should 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."



The treatment I received felt genuine, attentive, understanding, polite and friendly and I felt staff members were always looking out for my best interests. I was shown lots of sympathy throughout my enquiry and being asked if I had any dependents made me feel the team really cared about my wellbeing.

MYSTERY SHOPPER



Whether it should be legal or non-legal staff is an ongoing debate. The mystery shopper results indicate that lawyers are good at the technical side of the call, but less so at the 'sales' aspect. Training can undoubtedly help – particularly when it comes to trickier issues, such as overcoming objections – although ultimately much will depend on the character of the person taking the call.

Andy says: *"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."*

Using Facebook

Though some still see Facebook as just a place to chat to family and friends and post photos of their children, it has rapidly become a vital channel for businesses – after all, why wouldn't you want to be where millions of potential clients are?

More appealingly still, the marketing options available through Facebook mean that budgets can go a lot further than on other channels – it remains a very cost-effective way of reaching a highly targeted audience. Of course, you can simply use your page and not any paid-for options.

It is important to be aware that the nature of Facebook requires a different way of communicating than you might use on other platforms. It is not the place for a hard-sell – as the comments of our mystery shoppers indicate, you need to join conversations and show that you are part of the community. You want to look warm and welcoming.

It's the place to show you know what you're doing, but also put a human face on your business. So the person who runs the page must communicate in an authentic, rather than stiff and corporate, manner. Law firms can worry about what they say online, but a trusted member of staff working within clear guidelines should be given license to engage with clients, contacts and others.

Our mystery shoppers were impressed by those firms that posted regularly, both on legal topics of relevance to them and in the news, and on what is happening in the firm – charitable work, environmental efforts, staff members' out-of-office activities. Photos and videos are core to Facebook's appeal.

Engagement is important too – you could run surveys or quizzes, ask users what new law they would like to implement, even offer a 'flash sale' of wills at a discounted

price for that day only. This also includes handling negative comments; you mustn't let them fester and sit on your page. Showing how you deal with dissatisfied customers can be more of a selling point than most promotional work you do.

Other benefits of Facebook include steering traffic to your website, what you can learn about those who have engaged with you through Facebook Insights, and the various tools it offers – for example, some firms enable users to book appointments directly from their Facebook pages.

Facebook Messaging

Research commissioned by Facebook last year showed that 61% of people in the UK had messaged a business in the past three months – and the UK is lagging compared to many other countries around the world, showing there is plenty of room for that figure to grow. And one of the five industries messaged most by Facebook users was professional services, which perhaps explains why two-thirds of people said being able to message a business helped them feel more confident about the brand.

There seems little doubt that this is the future, particularly for the younger generations, and as it becomes normalised by retail and other brands, so the expectation will rise that all businesses offer it. Two-thirds of people in the UK who message businesses say they do so because they're "always messaging anyway". Research suggests people are more comfortable messaging a business than telephoning or emailing it.

But with messaging comes an emphasis on quick reactions. Some 54% of people in the UK who messaged businesses expected a faster response than if they had used a more traditional mode of communication.

The key is to dive in and try it. You may not get it right first time, but by learning from your experience, and checking out what the competition does, you could quickly start to see results.



44%

of firms outlined the benefits of using them to daytime callers



SCOTT REES & CO



LOUISE DEMPSEY
HEAD OF THE FIRST RESPONSE AND
GENERAL LITIGATION DEPARTMENTS



For those working in the first response team at Scott Rees & Co, answering calls from potential clients could be the start of a journey to becoming a solicitor or chartered legal executive.

The firm, headquartered in Newton-le-Willows, Lancashire, has a clear training route through the ranks all the way to being a litigator, each stage marked by training and a requirement to complete a portfolio of experience before being eligible to move up.

This all reflects Scott Rees's very organised approach to customer conversion. Fee-earners are left to concentrate on their work while the first response team handles all incoming enquiries, however they arrive. Open from 9am to 7pm, the job of the two dozen staff is to take down all the caller's details using scripts, carry out identity checks and complete the retainer documentation, using electronic document signature software to do so during the call. If there is any extra information required, such as a copy of an identity document, the caller can send it via WhatsApp.

Whether or not the client actually signs up, the case goes to the vetting team for a decision – this is made within 48 hours at most, subject to any further queries that may arise, but usually much faster.

Louise Dempsey, an associate solicitor and head of the first response and general litigation departments, says clients are happy to have their claim vetted at the start. *"We explain to them the process. Ultimately the client wants to know if they've got a claim and the process reassures them that they will get a clear answer on that. They don't want to waste their time pursuing a hopeless claim and would rather know upfront if their claim hasn't got prospects of success."*

New recruits to the first response team go through a two-week training programme, learning the systems, shadowing colleagues and then doing practice calls. Once they start taking live calls, *"we have someone sit with them until they're perfect"*, Ms Dempsey explains.

Scott Rees has every angle covered – first response staff undergo emotional intelligence training to ensure they can build that vital rapport with callers. They then have to complete a portfolio in the first six months to show what they have learned, and this must be signed off before they qualify for a pay rise. The portfolio for the next six months would open the door to the portal team or to become a more senior member of the first response team.

Scott Rees does not have any out-of-hours staff, however callers can leave a voicemail which will be picked up the following morning. Ms Dempsey says they find most unsolicited contacts come online; the majority of calls come via sources who know the firm's opening times. *"We also find that most clients wish to speak to us between the hours of 9am and 7pm which is why we set our opening hours in this way."*

Scott Rees has an active Facebook presence, and all messages are received by the social media team. They respond quickly online and then pass the enquiry to the first response team. *"We use Facebook to show what we are doing in the community and outside of the business and to show that we want to be and feel part of the community,"* Ms Dempsey explains. *"We do not tend to advertise on Facebook for work but like to share our successes and show our clients more about the firm. We feel that this is important to show our clients that we are more than just another law firm."*

She concludes: *"We want to grow our own at Scott Rees. It is very motivating for staff in the first response team, and indeed at all levels, to know that hard work is recognised and careers nurtured as a result. And that enthusiasm comes through in our dealings with prospective clients, to the benefit of all."*



THE GOLDEN RULES OF CONVERSION

BY PROFESSOR IAN COOPER

How much potential personal injury business are you losing every day that you could win?

It is quite clear from First4Lawyers' research that there is a catalogue of missed business opportunities.

Add to this next April's Civil Liability Act reforms and competition for work is about to get even tougher. It is no longer just enough to attract enquiries – converting them into business is going to be a major battleground and it is clear that many firms have an almost fatal weakness in this area.

With this in mind, here are five key strategies that personal injury firms need to focus their attention on when it comes to dealing with enquiries:

Differentiate – Why should someone choose you?

Why should a potential client choose your firm for their personal injury claim? What is it that differentiates you from hundreds of other personal injury practices?

The chances are you have come up with some generic platitudes, such as *"we specialise"*, *"we provide a quality service"*, *"we take an interest in our clients"*. These are all important, but do they really differentiate you from your competition? The problem, of course, is that most firms will claim the same attributes.

The real key is how you communicate and how you make your prospective clients 'feel' on the telephone. Remember: the likelihood is that most callers will be apprehensive, anxious and nervous at the start of the call. Your task is to change their emotional state. Do that and you stack the odds in your favour.

Remember this is a two-sided issue

In my experience, the vast majority of firms focus most of their attention on an enquiry call, on addressing whether they want the client. Of course, in terms of risk assessment, this is a very important thing to do and perfectly professional and reasonable. However, firms need to remember that there is another side to this. The callers also have to decide whether *they want you*.

It is essential, therefore, that the handling of calls is regarded as much more than just an administrative, box-ticking process with the potential client being interrogated with a range of trivial details that are not necessary at that stage.

On a recent mystery call that I made, I was 12 minutes into the call before the call handler asked what my injury was! I had spent most of this time giving my postcode, address, date of birth, middle name etc. Get the picture?

The key skill therefore is to gather the appropriate information in a way which influences the potential client to actively desire your firm.

Nothing beats empathy and real concern

Let me share a couple of experiences to make the point. For research purposes before a speaking engagement, I telephoned 30 personal injury firms to discuss an accident and my injury. Guess how many of them asked the simple, most obvious question: *"How are you now after the accident?"* Zero – not one firm asked me this.

On another project, I told a firm that I had suffered a broken ankle, the caller responded: *"Oh that's a very good injury and if you are lucky it will develop complications and we should be able to get you more compensation."*

Get your 'penalty taking order' right

Imagine this. You are the manager of a football team. It is extra time in an important match and in the last few minutes your team is awarded a penalty. Who are you



going to get to take this all-important, potentially match-winning shot?

Are you going to consider who in the team has the best track record for sticking the ball in the back of the net, or are you going to let just anyone take it who happens to be closest to the ball? The answer is obvious. You would think strategically, consider the statistics of past success with penalty kicks and then get the person who is most likely to score, to take the shot.

However provocative you think this is, let me be clear. You need to make sure that the person, or people in your firm, who get the best conversion rates, regardless of their position or role in the firm, handle the most calls.

That way, your average percentage conversion success rate goes up to the level of the best people. I absolutely guarantee an increase in your personal injury telephone conversion rates, even if you do nothing else at all.

Many firms have a rota of people handling calls. I have often been told: *"We have a rota so that no one person gets too burdened down with dealing with personal injury enquiries. So Bob deals with callers on Monday, Wednesday and Friday afternoons and Sally deals with them on Tuesday, Thursday, and Friday morning"*.

This sort of administrative-led process is fine, assuming that both Bob and Sally get broadly similar results in terms of their success rates. However, what if Bob gets three times better results? Surely as a matter of commercial common sense it is ludicrous for Sally to handle as many of the personal injury enquiries as Bob?

Select your 'A team'. Monitor and track results to find out who gets the best conversion rates and then do whatever you have to do to make sure that the relevant people handle the majority of enquiries.

Give your team the right skills

Did you know that around 85% of personal injury firms have never given any training to call-handlers in the inter-personal skills needed to convert enquiries? What training does take place is usually around administrative tasks, such as how to complete the first response assessment question form and the firm's technology. This is very different from ensuring that your call-handlers have the right techniques, personal skills and confidence to engage a caller and get the business.

Over 35 years, I and colleagues have personally given our special '5 Step System' for dealing with a personal injury enquiry to a large number of firms and in some cases they have doubled conversion rates of the matters that they wanted.

By the way, working with *Legal Futures* we have also now made this training available online in the form of a special training package. For more details see www.convertingenquiries.com/personal-injury.



Professor Ian Cooper is Britain's most experienced specialist marketing, business development and skills trainer for the legal sector. He has helped over 900 legal firms over 35 years to massively increase their conversion rates of telephone enquiries into business. He is an international business author and speaker, with 16 books published in 14 languages and 56 countries. See www.iancooper.co.uk

TOP 5 DO'S AND DON'TS OF CONVERSION

TOP TIPS (THE DO'S)

MAKE INITIAL CONTACT AS SOON AS POSSIBLE

Within 15 minutes if you want to match world-class service levels, but the same day at the very least, or at the earliest opportunity if contacted out of hours.

OUTLINE THE KEY BENEFITS OF USING YOUR FIRM

Don't be afraid to blow your own trumpet – explain your firm's key differentiators/selling points. This should be 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.

SHOW EMPATHY

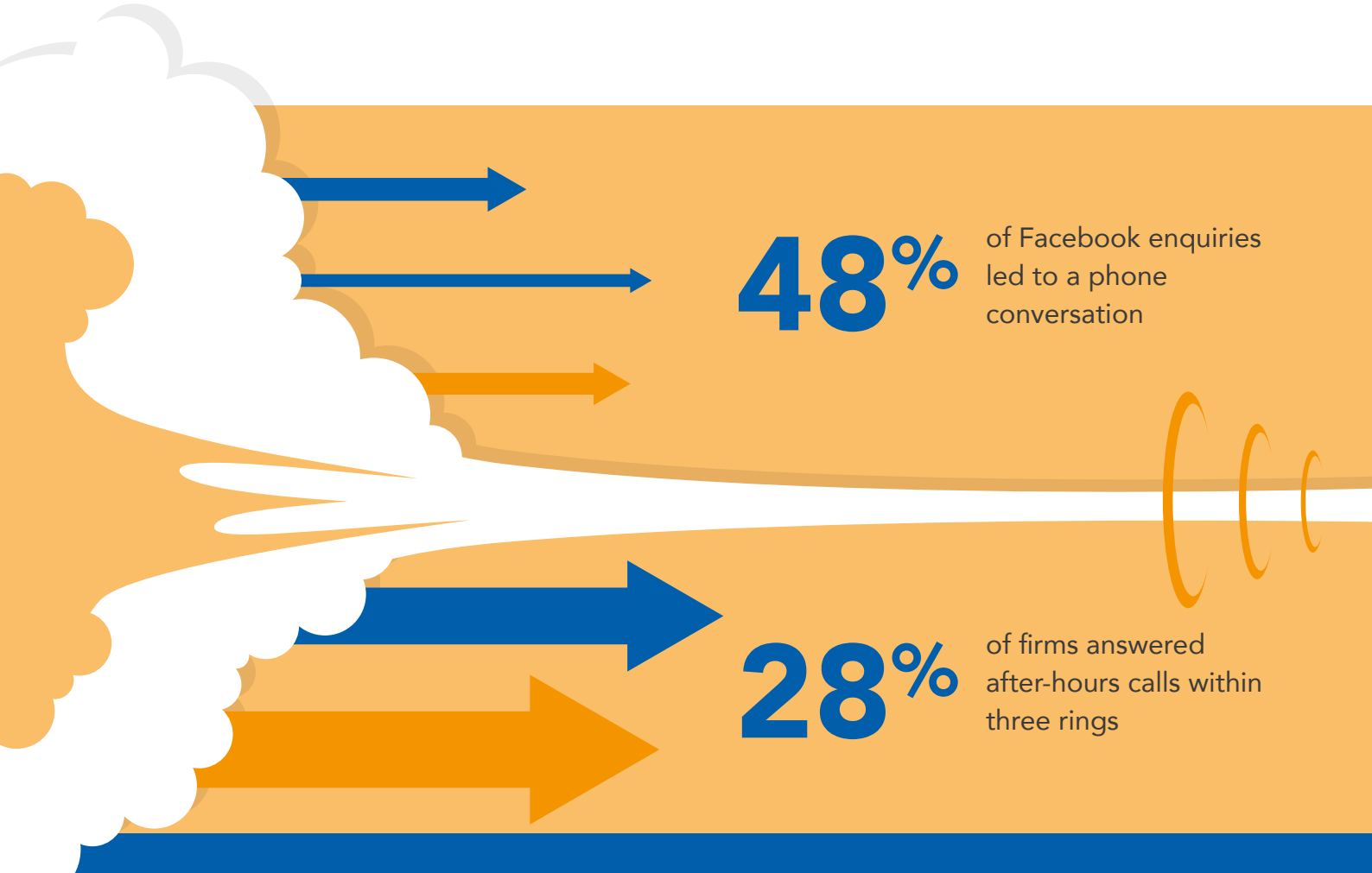
Capture client details including name, telephone number and email address so you can follow-up with them.

MANAGE EXPECTATIONS

Many of your new potential clients won't have been through the process of making a claim before. Explain the process and set expectations, especially if you cannot make a decision on taking the case there and then.

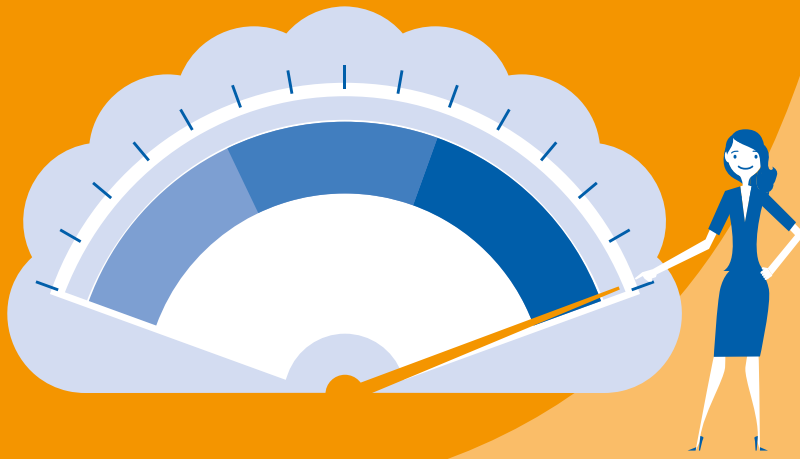
PUT YOURSELF IN YOUR CLIENT'S SHOES

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.



48% of Facebook enquiries led to a phone conversation

28% of firms answered after-hours calls within three rings



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 or recent case law on fixed recoverable costs. 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

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 their National Insurance number. It's not vital that you gather such in-depth information as part of the initial enquiry. Focus on building that all-important relationship with the client first.

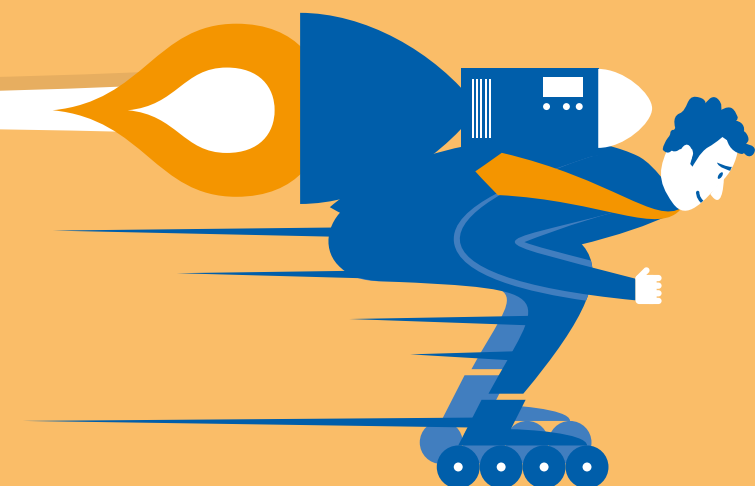
LEAVE IT FOR THEM TO CALL BACK

If the caller isn't quite ready to commit, don't finish the call saying "I'll wait to hear from you". Show you want the business by asking what is stopping them from signing up and dealing with any objections. If they still want time, ask when you can call them for a final decision.



The final questions that Mary asked both came across as rather insulting to me. This clearly was not her fault though, because she was reading from a script. I was asked why I hold the company responsible for this claim and why had I not claimed earlier. I would have thought that, after all these questions, if that was not clear by then, the firm should not really be in the line of work that it is.

MYSTERY SHOPPER



CONCLUSION

This is not an easy time to be a lawyer. Pressure from regulators, consumers, insurers, politicians, competition authorities and many others have put what lawyers do and how they do it under unprecedented scrutiny. But few are in the crosshairs like PI lawyers.

Next year's reforms will change the market in a way not seen for a generation. The old ways of practicing are over.

For firms to survive and thrive in the new world, they cannot afford to sit and wait for the business to come in – they need to do everything they can to attract and convert clients. Yes, working with First4Lawyers will be a giant stride towards a positive future, but ultimately the onus is on you.

Last year, we said that our research was encouraging in showing that, when it came to converting calls and web enquiries, PI lawyers were getting a lot right, especially in comparison to other areas of practice.

While this year's results have not found any serious deterioration in the way firms deal with standard incoming telephone enquiries during the working day – nor any notable improvement, it should be said – they do give cause for concern for how they cope with non-standard enquiries. And, as we have sought to demonstrate, calls after 5.30pm and contact via Facebook are not really 'non-standard' in 2019.

The good news about the bad news is that this is an opportunity. Standing out in a market where there are areas of significant underperformance could bring major rewards very quickly. None of the problems we have identified in this report are especially difficult to resolve – they just need commitment and some investment.

This isn't about being better lawyers. It's about being better businesses. It's about being the firm that answers the phone at 6pm or returns a Facebook message within 15 minutes. It could be the difference between success and failure in a post-Civil Liability Act world.

16%

of Facebook users were asked how they found out about the firm, as were **14%** of after-hours callers and **43%** of daytime callers

“ Robert was knowledgeable, friendly and professional. He attempted to add value and go further by advising that my health and wellbeing were most important and he ensured that I had been to see my GP and that, as I was still suffering at this stage, I needed to go back. I felt that he demonstrated empathy to my situation.

MYSTERY SHOPPER

”



THE NEXT STEPS

Over the course of last year's white paper and this, it has become clear that, while there are pockets of high performance, many PI firms are still not putting their best foot forward when potential clients make contact. Given the time and money put into attracting those contacts in the first place, this is frustrating.

With competition for the best work set to intensify yet further with next year's reforms, the incentive for firms to up their game could not be stronger.

On the next page I have set out the key elements of how to do this. It needs to be led from the top – if the partners and managers aren't seen to take this seriously, then how can staff be expected to?

Research has repeatedly shown that consumers assume that the lawyers they contact can do the job – so they choose on the service aspects of the offering. PI is different from most other areas of law because price is not a differential, meaning that it comes down to how you present yourself to would-be clients.

Our research indicates that it is this that is the biggest problem firms have. You have to sell yourself – not with a flashy, hard sell – but as a firm that understands what that

person is going through and how you can help them. Small changes to the way you approach new business could make a huge difference.

It also means upping your game on social media. Some, more senior, lawyers can dismiss the importance of this, or simply throw their hands up because they don't really understand how to use it, and the cost of bringing in experts may look prohibitive. But your firm no doubt employs staff who use these platforms in their personal lives all the time – why not draw on their expertise and enthusiasm?

Improving conversion will more than pay for itself. As we head into what will surely be the hardest period for PI firms ever, it could make all the difference. I hope this white paper will help you on that journey.

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 client 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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