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Executive summary

We all know that law is a people business. Clients buy from lawyers whom they like, respect, and trust, and they judge those lawyers and their firms on the quality of service that the firm provides, the results achieved, and whether they receive value for money. This applies to corporate, institutional, and private clients alike. For their business plans to be connected to reality, partners and law firm leaders must learn how they are perceived by their clients and adapt accordingly. They do this by listening to their clients. Historically this was through informal, fireside chats. In recent years, many firms have devised formal client listening programs and in recent years there has been an explosion of review sites and social media channels enabling clients to leave their unfiltered and public feedback, whether solicited or not. Forward-looking firms are adopting multi-channel approaches to taking feedback to maximize the intelligence they gather and to adapt to clients' own preferences. As ever, the most nimble and adaptable will reap the rewards.

Chapter one by Sally Dyson of Firm Sense Ltd explains the benefits of really listening to your clients and emphasizes the importance of listening both in good times and in bad, based on experience of engaging with clients throughout the COVID-19 pandemic. Sally highlights the interplay between client listening and optimizing client experience, reviews the modern listening methods available to firms, discusses the proliferation of review sites and how to respond to them, and finishes with a vision of how firms can integrate all their data to see the client picture in full technicolor.

Implementing a client feedback program is one of the most effective ways to ensure client service excellence. Feedback provides valuable insight into what is working and what is not, and enables concrete actions to be taken to create more value for clients and improve the end-to-end client experience. Challenging questions, a flexible questioning technique, and strong reflective listening are key. In chapter two, Will Taylor, senior client development manager at Wiersholm, looks at how a structured client listening program that digs a little deeper into the relationship and that

extends beyond the “safe” client base can provide valuable insights into how to improve the client experience, both for an individual client relationship and more systemically as a firm.

In chapter three, Yolanda Cartusciello, partner at PP&C Consulting, demonstrates that differentiating the client experience is a critical component of a law firm’s success, and client journey mapping is an effective tool in helping firms do this. While client journey mapping may be new to law firms, the technique has been used successfully by corporations across industries and around the world. Consumer product and B2C organizations such as Amazon, Apple, and Disney, as well as B2B and consulting firms such as IBM and McKinsey, have focused on the client journey as a way of improving and distinguishing the client experience. PP&C Consulting has translated and adapted this technique for the law firm environment, mapping the technique with law firm practice and industry groups, as well as in business development training programs, to help lawyers and firms better understand the experiences they deliver and how those experiences might be improved.

This process is continued in chapter four by Andrew Hedley of Hedley Consulting. As the end-to-end management of the client experience builds momentum as a source of strategic advantage, client journey mapping is becoming *de rigueur* as a key tool. Leading firms are using journey mapping techniques to bring clarity to their market positioning, says Andrew, building sustainable competitive advantage with increasingly discerning clients. Put simply, client journey mapping is a technique for charting the client’s interactions with the business from first becoming aware of the firm, through initial appointment, and ongoing engagement. By better understanding the client’s “touch points” with the firm – whether physical or virtual – action can be taken to ensure consistency of service experience. It is at these touch points that perceptions and reputations are created and built (or destroyed) for clients and prospects. However, the touch point experience is shaped by the firm’s service strategy, structures, and processes. What is critical here is a coherent strategy, a well communicated and understood service delivery model, clear expectations in relation to “what good looks like”, and an underpinning infrastructure that supports excellent service delivery and superb experience creation. Andrew sets out the strategic rationale for client journey mapping, providing pointers for law firm leaders wishing to introduce the approach as part of a wider business development strategy.

With input from an all-star team of law firm marketing and business development “masters”, the next chapter from David H. Freeman, chief

executive officer of the David Freeman Consulting Group, discusses what it means to become a trusted advisor and presents real-world approaches for enhancing relationships by delivering value beyond the client's expectations. Great service is not just a "nice-to-have," maintains David – there is a clear link between high levels of client service and financial rewards, with research showing that firms with consistently superior client service enjoy hourly rate premiums, higher profits per partner, and greater client retention.

Indeed, delivering a "stellar service" is essential for customer-focused, modern law firms such as FBC Manby Bowdler, which has put the client journey at the center of everything it does. To ensure the principles of its client service charter are upheld, the firm uses regular customer audits to measure and respond to performance – celebrating the positives and acting on constructive feedback – while introducing a number of technology-based solutions to make its service and communications more efficient, cost effective, and accessible for clients. In chapter six, Kim Carr, lead partner of the wills, probate and lifetime planning department at FBC Manby Bowdler, explains how it's done.

Client service has never been so important. After such a traumatic year, clients need to know their legal advisers have their best interests at heart. This not only means continuing to deliver excellent work, it also means providing excellent service. If you can give your clients the best possible experience every time they work with you and, wherever possible, exceed their expectations, you will reinforce your existing relationships and maximize referral levels so you have a pipeline of prospective clients that will underpin the next phase of your firm's growth. In chapter seven, Douglas McPherson, director of Size 10½ Boots, looks at the commercial benefits of optimizing client service (and conversely the potential risks to a practice if client service isn't optimized), how to highlight where improvements can be made, and how practically to implement those improvements, especially given most firms will have to manage the process around the new hybrid working environment.

Over the last few years, the concept of legaltech has really taken hold. Up to this point it has largely been equated with workflow, delivery, and improving internal efficiencies. However, a raft of more accessible, more implementable, and more affordable technologies is poised to transform client care. These solutions have been designed to enable law firms to enhance their client experience and increase the volume of new enquires (and the rate at which these enquiries are converted into billable work). At the forefront of this online revolution are virtual assistants.

Virtual assistants can be added to any law firm's website search bar and programmed to give visitors the care, attention, and answers they want, irrespective of when they visit and what they want to find out. From the perspective of the law firm, they will capture more prospective clients and direct them – faster and more efficiently – towards conversion. In chapter eight, James Matthews of CM.com explores the different ways in which virtual assistants allow law firms to not only optimise the level of client care their website offers, but also the tangible business development and financial benefits that adding them to a website will deliver.

According to Scott Rechtschaffen, chief knowledge officer at Littler Mendelson, “a true innovation strategy envisions dramatically and comprehensively changing the way firms interact with and serve their clients”. Chapter nine describes how, over the past two decades, Littler Mendelson has used its innovation strategy as a true differentiator, to improve the delivery of legal services and positively impact the law firm–client relationship – to the benefit of both.

A client-centric business model is essential for future law firm success, according to one of the sector's largest research projects undertaken by LawNet as part of the delivery and audit of its Mark of Excellence. Since 2013, LawNet's network members have taken part in regular client experience reviews, with a mix of telephone calls, web enquiries, walk-ins, and out-of-hours calls, combined with online benchmarked customer satisfaction surveying, to identify and measure strengths and weaknesses, and overall satisfaction levels. In chapter ten, Helen Hamilton-Shaw, member engagement and strategy director at LawNet, talks through the results, which are used to guide future support and developments across the network and within individual firms.

Litigation historically surges after crises and economic recession, and the surge is on even as the COVID-19 pandemic continues to plague the globe with the virus variants. Companies must prepare because pandemic litigation is already here and more is on the way. In our final chapter, Shook, Hardy & Bacon LLP partner and general liability practice co-chair Paul Williams presents an overview of the COVID-19 pandemic-driven litigation trends, forecasts what's yet to come, and offers an approach to litigation management that can improve the client's experience and mitigate the burden and disruption traditionally associated with it. Sophisticated litigation management begins with identifying risks and limiting exposure by establishing clear legal and business objectives to guide business strategy. A company can then leverage the best features of right-fit teams and available time-saving processes and technologies to achieve efficient

and effective outcomes across its litigation portfolio. With a client-focused partner, companies are empowered to anticipate and control litigation spend and strategically manage their litigation outcomes, while also achieving a better overall litigation experience in an environment compatible with the company's culture and business objectives. In short, an approach that can provide a bit of client certainty in a still uncertain world.

Chapter 2:

Client feedback – asking the hard questions to get the best results

By Will Taylor, senior client development manager, Wiersholm

Introduction

Implementing a client feedback program is one of the most effective ways to ensure client service excellence. Feedback provides valuable insight into what is working and what is not and enables concrete actions to create more value for clients and improve the end-to-end client experience. Challenging questions, a flexible questioning technique, and strong reflective listening are key. This chapter looks at how a structured client listening program that digs a little deeper into the relationship and that extends beyond the “safe” client base can provide valuable insights into how to improve the client experience, both for an individual client relationship and more systemically as a firm.

Why have a client feedback program?

When Sophocles said, “No one loves the messenger who brings bad news” he could have been referring to the historic lack of enthusiasm towards structured client feedback programs in law firms. However, overwhelming evidence points towards the huge value gained by seeking input from clients on a systematic and ongoing basis. Whilst a lawyer or a firm may proceed on the basis that no news from a client is good news, this can sometimes overlook a more unhappy reality.

Clients do not always change law firms definitively. Instead, their discontentment can mean the next new matter ends up awarded to a different law firm, which can signal the beginning of a slippery slope out of favor, which can sometimes take years to reverse. Sometimes dissatisfied clients may simply leave the firm without providing a reason. It could be that the incumbent law firm is engaged in a long-term matter and will go on working on the matter, believing that the client is happy and has no reason to look elsewhere for an advisor, when in reality this is not correct. In order to prevent such a scenario from occurring, law firms that have not done so already should consider establishing a structured client feedback program.

Some of the benefits of such a program are summarized below.

Client retention

Client feedback can play an important role in boosting client retention, which is hugely valuable when you consider that some estimates put the cost of developing business with new clients at somewhere between five and 20 times the cost of maintaining an existing client. In an industry that puts such a strong focus on client service and where quality is often assumed and service levels are the differentiator, it provides a compelling reason for law firms to check that their clients are getting the service they require.

Revenue growth

Loyal clients will likely use law firms on more than one matter, trust them with different types of matters, and choose that firm for higher-value matters because they perceive that firm to be their preferred counsel. Loyal clients are often less price-sensitive and will often not expect automatic discounts.

Better relationships

Targeted client feedback programs create superior relationships with the most profitable clients. Asking for feedback sends a clear message that a law firm is committed to client focus and adding value to its client relationships. The client feedback session is dedicated solely to the interests of the client and demonstrates a firm's commitment to making the relationship better and not just focused on its own interest in increasing revenues.

Hidden opportunities

Why guess what a client might need assistance with when you can ask directly? If you ask the right questions and listen in the right way, the answers to these questions often develop into a discussion of areas in which the company might need legal or other services.

Demonstrating loyalty

Structured client feedback programs communicate to clients that the law firm is genuinely interested in their opinion.

Strategy

Asking clients about your performance and how you compare with your competitors can, for instance, inform decisions related to lateral hires, promoting an associate (or having a conversation about performance), or market focus. Many strategic management decisions can take direct inspiration from what a law firm's clients are telling it.

Succession planning and institutionalizing clients

Law firms must always guard against a relationship with a firm being too narrowly rooted within a firm. Partners will retire at some point, and some move on. These are often the people who have the longest and best relationship with the client. Sometimes clients who are very happy with the relationship may still express concern that more junior partners or associates are not being introduced to the relationship. Client feedback can play an important role in succession planning and help institutionalize important, long-term client relationships.

Clients want to give feedback

Many clients expect exceptional client service from their law firms and will have views on how the relationship can be improved, if only through minor adjustments. Asking clients for feedback capitalizes on other opportunities to engage and improve the relationship.

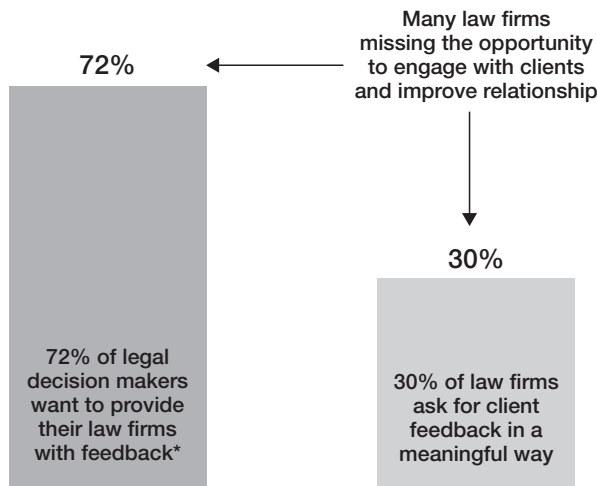


Figure 1: Law firm feedback. Source: Adapted from BTI's Annual Survey of General Counsel and Legal Decision Makers.¹

Have a structured set of questions

The survey design process is crucial to the success of any client feedback program and worth substantial consideration. Questions should be concise

and reflect both a law firm’s internal strategy, values, and objectives, but also be open, show appropriate curiosity, and resonate well with clients. Priority should be placed on questions that generate actionable insights rather than large volumes of data, where the client could consider the latter a poor use of their limited time.

The survey should include direct questions related to service delivery attributes that are core to client satisfaction, such as perceived quality of work, client knowledge, and communication effectiveness. Another popular metric is likelihood to recommend, which is strongly influenced by the strength of the client relationship. This can act as a summary of overall satisfaction.

When formulating the questions, how you intend on using the feedback should be foremost in the process. It is likely the objectives will vary for different groups or clients, and the balance and versatility of the questions should reflect that. Feedback should also be realistically actionable, so the questions asked must be capable of delivering insights a firm will actually use to move toward its goals.

Regardless of the time invested and the hurdles required to agree on a set of questions, they should not be considered set in stone and inflexible. A firm’s objectives or strategic direction will change over time, and the questions should be considered adaptable and evolve over time to fit a law firm’s objectives.



Case Study

A hypothetical scenario could go something like this:

Interviewer: In terms of the market you operate in, how strong would you say our understanding is?

Client: Your legal advice is always extremely good and we love working with you. [Relationship Partner X] always makes sure we are well looked after. However, I would not say fintech law is a strength at your firm and you are not known in the market for this area, unlike some of your competitors. As a result, I think you sometimes misunderstand our business, and we need to explain things, but this isn’t a big problem.

In fact, the firm has one of the market’s leading fintech law specialists. As a result of this feedback, the firm was able to:

- Follow up with the client to identify perceived weaknesses in the fintech sector, and have the firm's fintech expert give an internal seminar to address this knowledge gap;
- Introduce the fintech specialist to the client and bring them in to matters that require strong sector knowledge, where previously a competitor performed this role, the only area they advised the client; and
- Develop a structured campaign to market the firm's expertise in fintech in order to improve its market standing in the sector.

As a result of this feedback, the law firm is able to further cement its status as the client's preferred advisor and is perceived as being able to add more value beyond the high-quality legal services the client was already satisfied with. The firm has also introduced a new revenue stream and identified a need to better communicate its expertise in fintech to the market.

Note that, on the surface, the client was very happy with its relationship with the law firm and may not have even considered that steps could be taken to improve it. It accepted the perceived weakness in the firm's capabilities as a minor inconvenience that could be overcome at little effort. It received high quality legal advice and felt prioritised. However, through asking a more targeted and challenging question, the feedback revealed that, whilst the relationship was strong, there was more that could be done to strengthen it, and at the same time weaken a competitor's position.

Ask the hard questions

To gain the most value from the client feedback, you will need to ensure that the questions are sufficiently challenging in order to deliver meaningful insights. You are unlikely to improve the client experience if you do not ask the hard questions. It can often happen that a client will offer positive feedback in response to a generic, closed question, and on that basis it is assumed that there is nothing that can or should be done differently. If you ask a "safe" question, you will often get a "safe" response.

Feedback needs to offer insights and open doors for a firm to, for example, pursue a new opportunity, make a necessary internal adjustment, or understand more about its closest competitors. Asking these questions shows enthusiasm, curiosity, and a desire to help, and is likely to impress a client far more than simpler questions.

By asking more inquisitive questions, you can start to truly look under the bonnet and uncover hidden issues. Indeed, they might not even be considered by the client to be an issue, and it may not affect day-to-day relations in any meaningful way. However, any area throughout the client journey where you can remove obstacles, even minor, can result in an improved and more enduring client relationship. The benefits can extend well beyond this, including potential new areas of revenue.

The way a question is formulated will often determine the nature of the response you get back. The most obvious example of this is using open-ended as opposed to closed questions. Using open-ended questions helps you understand things from the client's perspective as you get descriptive feedback. For example, "What do you think of the quality of our advice?" invites the interviewee to speak freely. Sometimes the interviewee will try to turn a question into a closed question by giving a response such as, "It's good, no issues". In recognizing this, whilst gauging the atmosphere of the interview, the interviewer should be able to shift the impetus back, and ask a follow-up question such as, "Could you give an example of something you were happy with?"

A feedback interview conversation is a relationship tool and a branding experience for the firm and attention should be given to the flow and atmosphere of the interaction. On that basis, it is advisable to consider the timing of these more challenging questions. Asking such a question at the beginning of an interview can influence the course and the mood of the remainder of the discussion, so more potentially sensitive questions should come later in the discussion.



Case Study

During a client feedback interview scheduled with a CFO at an important "Top 50" client, they unexpectedly bring along the CEO to the meeting. Through the course of the regular questions, the tone of their responses indicates there is a problem.

The interviewer decides to bypass some questions and adopt a more challenging line of questioning in order to try to elicit the feedback the CEO wants to give. The CEO responds by saying that they are very unhappy with the service of one of the firm's partners and do not intend to give them any future work. They add that if it was not for the strength of their overall relationship, they would have changed firms already.

The interviewer is able to swiftly communicate this with the firm's

relationship team and management, and action is taken to understand the issue and make changes to the client team. Through the feedback interview, and asking challenging questions, the firm is able to identify a major concern and client “flight risk”, which would otherwise have been missed.

Months later, the CEO indicates that without the feedback interview, they would have simply given mid-level feedback, but in the background they would have put in place actions to change law firms in the near future.

Go “off piste” when given the invitation

In addition to asking more challenging questions, another technique that is likely to yield more valuable intelligence is to look for opportunities to expand on a response if there are indicators that there is more information to gather. Going “off piste”, when appropriate, can open up a conversation and unlock information that may have gone undiscovered when navigating through the “surface” questions.



Case Study

A hypothetical scenario could go something like this:

Interviewer: Does Z & Co understand your business well?

Client: I think overall your knowledge of our business is strong. In general, the lawyers working for us know us and the market very well. We do, however, work with so many different lawyers at Z & Co.

I understand, yes. And what would you say about the firm’s quality of legal advice?

It is difficult to say. I think Z & Co definitely meets our needs. When we need assistance then we get assistance from Z & Co.

OK, that’s good to hear. Can you say a little more? It sounds like there is maybe something we could improve on.

It’s normally great, excellent in fact. Other times it is not as good.

Interesting. Can you give an example?

On one occasion, we received some advice on X legislation and I was not that impressed and it became expensive. It was OK, there was nothing

wrong with it, but it wasn't very practical advice and it didn't really cover our needs. But it could have been our fault, the way we communicated it. We were so busy.

Thank you. Can I ask, did you give any feedback at the time?

No, like I say, we were very busy, and there was nothing specifically wrong with the advice.

By observing the responses and the tone, the interviewer was able to expand on the client's initial response. The client was satisfied overall and was initially hesitant to share more detailed feedback, but by asking two follow-up questions related to the topic of quality, the interviewer gained more valuable feedback. Even though the client tried to soften the feedback by taking responsibility for the issue, communicating the issue can help improve service delivery.

Strong reflective listening is very important. Interviewers need to be flexible in their questioning technique and not be so focused on the order of questions to the detriment of gaining valuable insights. It is also advisable to not become overburdened by recording notes so that you have sufficient capacity to listen closely to the answers that are given. This could mean bringing an additional person into the meeting in order to record responses in more detail, or it could be that you choose to record the interview, which should always be requested at some stage prior to the interview.

Giving the interviewee and the response greater attention ensures that the conversation flows more naturally and creates a more comfortable atmosphere that can often be conducive to more frank responses. It allows you to better identify opportunities for follow-up questions that can provide richer and more useful insights for the firm.

Ask the “hard” clients

As well as asking the hard questions, it is important to look carefully beyond the firm's top earning, institutionalized clients, with which the footprint is likely to be large and the relationship especially strong. Internal resistance to proposed feedback conversations tends to be significantly less for such clients, which should be telling in itself. These are clients deemed “safe” enough for feedback to be gathered from.

You can use a range of criteria to identify and target groups that might give you more valuable and actionable feedback. For example, criteria

could include clients with a minor ongoing relationship but the existence of a major opportunity and spend, significant firm growth and increasing needs, and decrease in fees below a certain threshold despite continuing outside legal spend.

Have the right person asking the questions

Client feedback is a research exercise, independent of client relationship management. A client feedback interview should not replace a periodic client–partner meeting; they should be complementary, but they are separate discussions with different objectives. Research requires an objective approach, which generally means that interviews are best carried out by someone independent of the relationship. When these interviewers are well briefed, they are in the optimal position to gather the most useful feedback. They also have a well-developed process and methodology to record feedback accurately and consistently, circulate it appropriately, and ensure follow-up.

These independent interviewers can either be third parties or internal staff, typically in a client development or business development department. These individuals should be adept in interviewing techniques so that they can, for example, skillfully handle negative feedback, avoid biased questions, and use appropriate probing questions to identify richer intelligence.

However you do it, make sure you act on the feedback

Regardless of your approach to obtaining client feedback, it is imperative that you always follow-up with clients if there is actionable feedback. Ninety percent of the time, there will be some follow-up actions that come out of a feedback interview. Failure to follow-up is not only a missed opportunity to make changes that can improve your firm. Far more dangerously, it can be detrimental to the relationship, more so than not asking for feedback at all. The client may think that there was no purpose in providing feedback and that they have wasted their time. By taking a proactive response to the feedback, you can solidify a trusted relationship with your clients, create connections to new opportunities, and adapt your service to their feedback.

Conclusion

When efficiently executed, a client feedback program can help firms gain valuable insight into their clients' opinions on the legal services provided, and much more. Posing the right questions that can elicit detailed and

actionable intelligence and adopting a flexible interviewing style that focuses on reflective listening can provide valuable insights into how to improve the client experience. If firms follow through on the feedback, they are likely to experience an increase in client retention, in the number of new clients, and a rise in revenue.

References

1. <https://bti-consulting.squarespace.com/bticlientfeedbackprograms>

This chapter ‘Client feedback – asking the hard questions to get the best results’ by Will Taylor is from the title *The Client Experience: How to Optimize Client Service and Deliver Value* published by Globe Law and Business.