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Tom operates Spraggs Law, a litigation boutique located in Coquitlam, B.C. He holds a Bachelor of Laws, Master of Laws, and Masters of Business Administration. His law firm has experienced significant growth over the last several years, and his lifelong passions for technology and learning have helped him develop unique approaches to collaborative work processes and practice management. Tom's work has been primarily in civil litigation, but he has a strong interest in administrative law and governance. He has been a frequent participant in the CLEBC Solo and Small Firm Conference, sitting at Course Chair in 2017.

Engaging Technology to Enhance Client Connections

INTRODUCTION

Consumers today have high expectations. In the age of Amazon and Netflix, people are conditioned to have their needs and wants anticipated and fulfilled almost instantaneously and, if they are not satisfied, consumers are not shy about expressing their dissatisfaction to the world. In this article, we will identify key areas of client expectations that lawyers should focus on and how technology can help lawyers meet those expectations.

SOURCE OF CONSUMER EXPECTATIONS

In a recent Harvard Business Review article, authors called the current era the “age of continuous connection”.¹ In the last twenty years, there has been a massive shift in how service industries provide value to consumers. It is no longer sufficient to provide a good product; consumer sectors must focus on the service, or customer connection, if they are to be successful. This goes beyond having friendly customer service staff and customer first policies. Consumer connection is at now driver of business models and value propositions.

People expect their needs and wants to be met immediately. Consumers are conditioned by services such as Amazon, with same day shipping, and Netflix, with binge viewing, to receive near instantaneous satisfaction of their desires. This expectation

is not restricted to products or services. The internet age has put information (correct or not) in the hands of the individual. People have access to information and knowledge like never before. A questioned can be answered simply by asking Siri.

Businesses are going beyond responding immediately to customer requests and moving towards anticipating their needs. Amazon has been doing this for years with predictive technology enabled recommendations. However, this type of service is becoming ubiquitous and key to business models of many companies. In “The Age of Continuous Connection”, the authors discuss how Disney has launched technology that creates customized experiences for Disney park goers using customer data, park data and a high-tech wrist band designed to offer visitors a unique and customized experience.² Netflix not only provides viewing recommendations based on past behavior, but uses viewer data to drive content creation. Retail services, such as FabFitFun, provide curated offerings for each purchaser. Customer experience is friendly, easy and anticipatory.

A critical understanding of this shift in the marketplace is that it goes to the core of what consumer expect with regards to value. Consumers find value not just in the product or service itself but also in the experience or connection with the provider. Fast shipping or a recommended purchase is not simply an add-on or a perk – it is a key component of customer value. Value is what drives customers to return and to promote the experience to others. Further, this value in experience or connection has become so ingrained in our consumer relationships that it has become an expectation. Where companies lack in providing value in experience or connection, they will fail to meet consumer expectations.

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CLIENT EXPECTATIONS IN LEGAL PRACTICE

In discussing client expectations in legal services, we will draw a distinction between customer service aspects of client experience and substantive legal advice. The focus of this article is on the former and not the actual legal analysis, advice or advocacy that lawyer provide.

Clients do not engage with lawyers in a vacuum. Into the legal service relationship, clients bring with them expectations set by their experiences in everyday consumer relationships. As noted, the expectations encompass high connectedness and value in the experience.

The Law Society of British Columbia provides recommendations on how to manage client expectations.³ The recommendations include, among other suggestions, being clear about what work the lawyer will be doing for the client, keeping clients informed about progress of a file and sending interim bills. While this is all good practice, in light of current consumer expectations, we suggest that it is not sufficient to meet the expectations of many clients in the connected consumer context. Further, based on our own experience, we are of the view that it is extremely difficult to move client expectations away from the continuous connection consumers have come to anticipate in such a manner that will satisfy clients. For example, a lawyer may explain to the client that a matter in litigation will move slowly during discovery phase and that she will not have a substantive update for the client for three months. In today's consumer context, despite an attempt to set expectations and the client understanding the communication by the lawyer, there remains an ingrained expectation for continuous connection. Even if the lawyer's timeline for communication is reasonable and clearly stated, the client's experience will fail to meet what he or she has come to expect and value in the marketplace at large.

HOW CAN TECHNOLOGY HELP?

Before discussing how technology can assist in meeting client expectations, we will consider what aspects of legal service might be most critical to client experience. In its Legal Trends Report 2018, Clio identified a number of areas that impact client satisfaction.⁴ The research identified the following factors as having the greatest impact on client satisfaction rates:

- Overall costs of the services. The report notes that “as satisfaction with overall costs increases, the likelihood to recommend increases”.
- Factors related ease and responsiveness.

These include:

- Ease of understanding case expectations
- Responsiveness to email, phone, text
- Ease of getting information on case status
- Ease of accessing case documents
- Ease of setting up appointments.

For the purposes of this article, we will focus on technologies that can improve client experience by making engagement easier and more responsive. This will, in turn, improve a lawyer's ability to meet expectations by enhancing the connection with the client.

WHAT TECHNOLOGIES CAN BE USED TO MAKE COMMUNICATION AND ENGAGEMENT EASIER?

1. USE A CASE MANAGEMENT SYSTEM

There are many ways in which a case management system, when used to its full potential, can improve client experience. One option is to use the task entry function to standardize and diarize client updates. While many lawyers use their case management system to manage limitation dates and other critical deadlines, consider using it to create BFs for client communications as well. For example, set a reoccurring task for monthly client updates.

2. USE A CLIENT COMMUNICATION PORTAL

Provide a secure digital access point for clients to access key case information can make communications with clients easier and keep them up to date on their file. Client portals can include case schedules, key dates (such as application or mediation dates), documents, and general case information. They may also provide a messaging function. Some case management systems come with client portal capability. For example, Clio and Firm Central (by Thomson Reuters) both have client portal capability. If a portal through a case management system is not available or impractical, firms can build their own cloud based client portals for communication purposes. Low cost and secure server space on AWS and other services can provide a platform that a firm uses to design a client access portal that meets the unique needs of that particular practice.

3. DOCUMENT COLLABORATION AND SHARING SOFTWARE

There are many services available that allow for the sharing of documents including Box, Dropbox and ShareFile. These services can be used to share important materials with clients in a timely manner that is more secure than email. Many file sharing options include features like collaboration tools and electronic signature capability that can increase connectivity with client in appropriate contexts.

4. AUTOMATION SYSTEMS

New applications, such as Case Status, provide automation options that keep clients up to date on their cases. With Case Status, clients will be automatically updated when certain events occur or when there are no updates to provide.

HOW CAN RESPONSIVENESS BE IMPROVED?

There will always be a certain amount of communication that arises organically during the course of a case. The suggestions above for making communication and engagement easier, if implemented, will likely reduce the frequency of ad hoc communications that arise from a client. For example, if a lawyer provides general information on ICBC benefits to each client in a Dropbox or client portal, that client may not need to call the lawyer with specific questions. In addition to increasing connection through the uses discussed above, lawyers can to the following to improve responsiveness.

1. MAKE ROBUST USE OF CASE MANAGEMENT SYSTEM

Delays in responding to client inquiries are sometimes related to information management. A lawyer or staff member may need to refresh their memory on a particular file or legal issue before providing a meaningful response. Response time can be reduced if information on a client matter can be easily accessed in a case management system. By using standard naming conventions and case organization procedures, lawyers, colleagues and staff can find information easily and improve response times.

2. USE INFORMATION MANAGEMENT SYSTEMS.

Firms can create a system for the collection and organization of information that can be reused in the future. Items such as memorandums or arguments on a particular issue or a precedent affidavit for a specific type of application can be collected in a central repository for future use. Such measures can reduce response time when a lawyer needs to research or refresh her memory on an issue before responding to an inquiry from a client.

3. CREATE STANDARD PRECEDENTS AND RESPONSES.

If there are questions or issues that arise repeatedly in a practice, consider creating a template letter or email response. By doing so, you will reduce drafting time and can easily engage staff assistance in responding to some issues. Again, a case management or information management system can be used to organize and store precedents and templates.

While we have focused on uses of technology that can enhance the connection between clients and lawyers, many of these recommendations could also reduce client costs, which impacts client satisfaction. For example, by having template letter for use on a particular issue, time expended on drafting is reduced.

CONCLUSION

In many contexts, including the law, speed of service and quality of product are difficult to reconcile. In 2019, it is clear that shifting consumer expectations are straining traditional legal service offerings. With technology, lawyers can attempt to bridge this growing divide between work that is often slow and methodical and client expectations of immediate and predictive service. By using technological tools to improve client experience through building connection, lawyers can take a step towards meeting, and exceeding, current demands.

1. Siggeldow, N. & Terwiesch, C. (May-June 2019). The age of continuous connection. Harvard Business Review. Retrieved from <https://hbr.org/2019/05/the-age-of-continuous-connection>
2. Ibid.
3. <https://www.learnlsbc.ca/node/490>
4. Clio. (2018). Legal trends report. Retrieved from: <https://www.clio.com/resources/legal-trends/2018-report/>

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