

Issue 3

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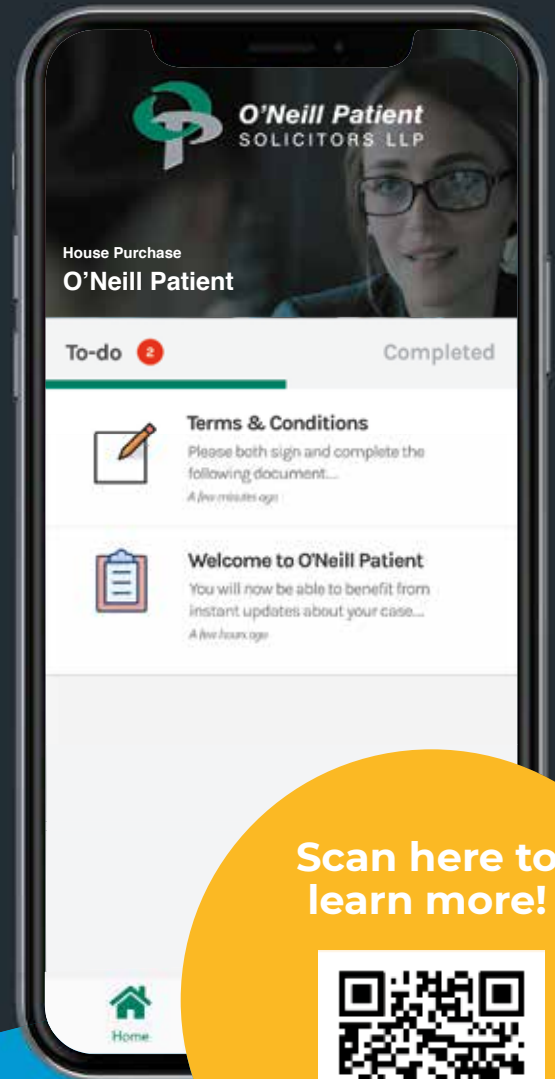
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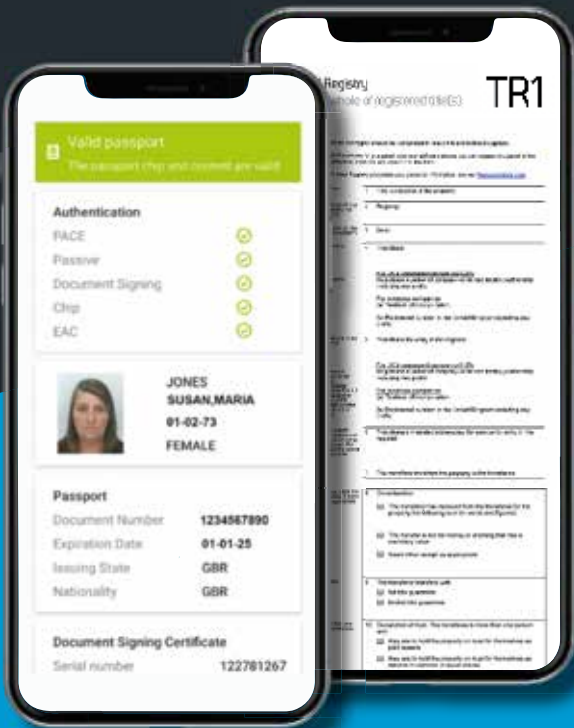
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Meet the Tech Ambassadors



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Legal Counsel & Legal
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Golly gosh.

Here we are again already. It doesn't seem at all that long since issue II "Fusing People and Machines" dropped on the quasi-remote ivory tower mats. I simply cannot believe how quickly the summer has come and gone? Can you?

Whilst many lawyers I know, in spite of the Covid travel rule blunders, have been sunning themselves at their R&R villas (that's Rest and Recuperation for the uninitiated and/or less privileged of us), we at Modern Law, together with the ever-expanding number of tech ambassadors, have been beavering away to bring you this candid, controversial and hopefully cathartic edition.

Personally, I have LOVE LOVE LOVED being involved in bringing this roundtable feature to you as its subject focus is super close to my heart. When given her remit on this theme, The Naked Lawyer was so excited that you would be forgiven if observing her and thinking that she and her Segway could have positively twirled their way onto the Olympic podium for artistic sporting flair!



****Whizz-bang* *Whoosh* ... Incoming... The Naked Lawyer chucks her first muse bomb into the centre of the ring, part in protest as we had kept her waiting as we all fuffed around for so long settling down for the duration, and part mischief-making, as usual, just to remind us all that she is present and doesn't like to be ignored! Okay, she has a point, of course. Less superfluous chatter and more 'on point' rigorous discussion, opinion and practical tips are called for.***

So, without further ado, let's get stuck into "The Customer, Not Client, is Queen." With such a VAST theme which has had plenty written on the subject to date, yet, as the saying goes, "times they have a changed so much over the past year or two", I decided to address a handful of controversial and long-standing issues with the tech ambassadors that have been debated in the past as well as a number of really pertinent current topics which are highly relevant now and will affect us in the future.

Hoping to avoid a full-blown muse grenade assault from *The Naked Lawyer* at the outset I decided to warm up the ambassadors with the question **"What is your view on whether users of legal services should be called 'client' or 'customer'?"** I'm curious, as are you, no doubt, our readers. Which is it? Does it matter? Should it matter? Why? Is there a place for both?



Vinnie: I think this is very much open for debate. Ultimately the use of the term client by law firms probably stems from professional advice given. If seeking advice from professionals like a consultant, a doctor and lawyers, you are a client. If, however, you are purchasing goods or non-professional services (for instance an electrician/plumber) you're a customer.

Dictionary terms are interesting:

Client - a person or organisation using the services of a lawyer or other professional person or company.

Customer – a person who buys goods or services from a shop or business.

Hmmm ... a neat starter-for-ten, Vinnie. Like it. But let's chew the cud on these definitions further. A law firm is a business. Some even provide goods in the form of LegalTech and/or LawTech products, commodities in effect. Ergo, the buyer could be either a client or a customer, perhaps?

Such: The same question could be posed in the health profession... 'patient' or 'customer'. But is a patient a 'customer' buying health care services? They certainly are using health care services and even through taxes, paying for the provision of it through the NHS if not private.

The same goes for 'client' and 'customer'. They are totally interchangeable, and does it really matter? I think not. The legal profession will certainly lean towards the term 'client' and indeed, a quick flick through the SRA Code of Conduct reveals 'client' or 'clients' in regular use...not a 'customer' to be seen!

I feel as though 'customer' is used in the provision of commodities, whether that be a superstore selling food or an online platform selling books and electronics. I can see the legal profession putting up a good argument that the provision of a legal service is not a commodity. Yet I'd challenge that...given the increasing fixed fee models, in commercial as well as private client work, legal services have been commoditised for a long time and will continue to be. Consequently, users of legal services are as much a customer as they are a client.

Indeed. I'd be inclined to agree, Such, particularly as we are witnessing an ever-increasing supply of LegalTech and LawTech products welcomed by users/buyers.

Becki: Normally, I am completely anti-labels as I think they can lead to stereotypes being formed, or assumptions being made that result in things being placed into boxes, when they don't necessarily belong there. Putting that Pandora's box to one side (and in answer to this question), I think that it really depends on the type of relationship that either exists, or that you want to establish, between the individuals.

Whenever I was working through my issues with my legal team, I always considered myself to be a client rather than a customer. I was paying my legal team for, and was a beneficiary of, their knowledge and expertise. I entered into the process with a long-term view, as opposed to the transactional and dare I say it, faceless relationship I had with somewhere like a shop. For me, the difference between the two types of user depends on the 'buy-in' process or experience, and also type of company you are buying from.

Thanks to the likes of Apple and Amazon, the balance of power has moved away from supply, towards one of demand. In this digital age, the customer is now King (or Queen!). But if you cater your services primarily towards customers, you will need to continually search for them and have a robust strategy in place to replace them as they come and go. Customers simply view your business as a commodity. On the other hand, clients don't need to be replaced and you gain repeat business, with little or no effort.

So, in roundup, I suppose it really comes down to the relationship you have, and want to have, with the users of your service.

This is a really cool and interesting perspective, Becki.

Sam: Does it matter? I think the answer (like all SEO answers) is - 'it depends'. Does calling them a customer over client impact on the bottom line? If so, then do it. How do we find this out is the interesting part?

Vincent Perrin (aka Vinnie)

Salesforce UK,
Regional Vice President -
Professional Services



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Tradition dictates that law firms have 'clients' because they are service users bound by a contracted relationship. However, if you have a legal app or you have subscribers to a monthly legal service, are they 'users' or 'members' and how much does that matter?

When you're talking about them internally it probably doesn't. When you're addressing them directly, it sets out expectations and perceptions of what that relationship is and that can affect how the client/user/customer feels about your organisation.

In a world where law firms are needing to appear more 'user friendly', it may well be beneficial to reference the 'customer' in website content and other communications. While that's my gut feeling, the only way to know for sure is to ask the clients directly – or run some A/B tests on identical landing pages with 'client' on one and 'customer' on the other.

Who's going to do it? I'd love to see the results!

Wouldn't we all, Sam!

Dror: I personally like to use 'customer' as I associate it with customer support, customer service, and customer satisfaction.

What matters is the meaning legal professionals attach to these words. How do they view the user in the context of each word and is the way they communicate affected by it? If a lawyer refers to a user as a client and another refers to them as a customer, do the two different lawyers presume that they need to give different treatment / level of service to the other party? For example, would they give a client a more 'professional' service and would they give a customer a more 'personable' service, and if so, why?

Another great point, Dror. Which supports the view that the two ought to be interchangeable? Or, better still, maybe we should just have ONE word in the English language that means both?! ...

Alex: Interesting question, also because in French we don't make the distinction between customer and client, we just have one word: client (à dire avec l'accent).

In English, the definitions of these two words are pretty clear... One could say that like doctors, lawyers should not have customers but clients, because they provide people with advice. But it's changing!

As a LegalTech provider for example, it's easier to say that we have customers, even though we provide legal advice in addition to the tech. Maybe it's due to the fact that when you work in tech, you always think about the customer: it comes first in the way you think and develop the product. Is it possible that technology influenced the legal sector and ended the lawyer hegemony, and now, lawyers should call their clients customers?

In our solution, I used to call the internal client of my client the consumer because they are consuming legal services defined by our clients through Hyperlex.

Ugh. I hate to admit it, Alex, but for once I'm with the French *raucous laughter* *guffaws*

Martyn: As the great Louis Armstrong sang to the equally iconic and wonderful Ella Fitzgerald, "You like potato and I like potahto, You like tomato and I like tomahto. Potato, potahto, Tomato, tomahto. Let's call the whole thing off"

In a way that sums the matter up. Interchangeable words; two words separated by the same meaning.

But before we conclude, let us hear further from Louis and Ella: "But oh, if we call the whole thing off, then we must part. And oh, if we ever part, then that might break my heart."

So, we should endeavour to respect the difference, and with a vague shrug of the shoulders, accept that it is more mildly appropriate to use client in our legal world, but let us not forget that, as they say elsewhere, "the customer is king."

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client-centricity

Ah, therein lies the rub, Martyn. If the customer really is King, or Queen (let's tick the diversity and inclusion box shall we ladies and gents?), it begs us to address the question: **"Do you believe that solicitors / lawyers / barristers are TRULY client-centric? Do they really put the client first?"**

Vinnie: To me this really depends on the term 'truly client-centric' but the answer is probably no. Law firms typically have very siloed data, that sits in stand-alone point solutions. Maybe a couple of partners/fee earners/lawyers within the firm might know the clients very well, but this will probably only be from one viewpoint, i.e., current matters they are working on, past matters they have worked on, or maybe the needs and requirements of the client. But they are highly unlikely to know all the touch points within the firm, for example maybe some of the bills submitted have been rejected by the client, or maybe the firms marketing has been sending them untargeted emails.

Such: As a solicitor myself, I'd be a total hypocrite if I didn't say that the vast majority of solicitors, lawyers and barrister are genuinely client-centric...I know I am. But we have to be honest that often the pressures of the matter at hand, the job, the work environment, demands from the employer, clunky processes and systems, all get in the way of making that a reality. Being a lawyer (speaking from experience) is tough. The hours can be very long, the work very complex and you have to balance that with treating every client as your only client because that is how they feel they should be treated. It can be an impossible situation.

This is definitely where tech plays its part. Clients have been gradually 'trained' to experience amazing service all through the use of technology...with little or no human contact. The legal sector has woken up to this and I'm certainly seeing more firms recognise that tech has a larger part to play other than just improving efficiencies and the bottom line.

Becki: I recently had to send my iPhone phone away for repair (in our household we are big believers in the repair ahead of replace mentality, my partner and our 10 year old daughter have even been known to take a lawnmower completely apart, replace the broken bit and then build it back up again, using detailed parts drawings) and I was reminded of what true client-centric service is. Despite what you may think of him, Steve Jobs once said that "You've got to start with the customer experience and work backwards to the technology—not the other way around" and he was absolutely right.

Along with a number of other visionaries, companies such as Apple came along and drove a sledgehammer through traditional business models. Much like our lawnmower exercise, they took apart workflow processes, customer service models and company culture, and rebuilt them again with the customer in mind. To them, the experience of the customer at every touchpoint was paramount; whether that was the sensory experience of opening the box of your new Apple product or the seamless repair process you needed later on.

I think that many law firms believe that they are client-centric, but being client-centric is not the same as being client-focused. If you are client-focused, the approach tends to be based on looking at the customer and working out what to sell them. Conversely, being client-centric means that you approach the world from the customers' point of view; you look to deeply understand your customers' problems and deliver solutions for them.

Nick: In a world where there is so much technology available to law firms - enabling them to automate a huge amount of their work and digitise key parts of the client journey - legal professionals have a duty to their clients to make their services as efficient and accessible as they can; clients should not be paying for hours of a legal professionals' time for a task that could be improved through the use of technology.

Legal sector technology has come on leaps and bounds over the past few years, with a huge number of solutions now available to automate repetitive and administrative tasks, so there is very little excuse for those firms not yet embracing tech. However, the onus

Becki Cassia –
Transparently, CEO
and co-founder



should not be entirely on law firms – they also need developers creating solutions to the issues they are facing – technology that adds real value, not technology that is there for technology’s sake.

That service design-led ethos is central to what we do at Exizent. We work closely with our customers (and more broadly through our Research Community), to find out exactly what the problems are around probate processes. We then use this insight to inform the development of our platform. Going forward, collaboration and integration will become more and more important; if law firms are going to become truly efficient, they need to be able to bring all the various technologies and platforms they use together in order to create more efficient workflows and ultimately, a better service for their clients.

Alex: I think they should! But maybe they don’t all do it... We’re all humans after all! Like every sector, people have been influenced by the emergence of products and services which put the customer at the centre of everything. And they probably have become more eager to receive a customer approach.

Even though, like doctors, lawyers are not used to this approach. Now, do I think solicitors / lawyers / barristers etc should be truly client-centric? Yes! I think it would be very beneficial for them.

Sam: Ever since getting into the legal sector I’ve said that it’s largely behind the times when it comes to customer service – I don’t think many people will disagree with me even now!

Yes, there are some exceptions, but I’d challenge anyone reading this to honestly admit they’ve given the necessary time and resource into reviewing and optimising their entire customer journey (to use marketing jargon).

Whether it’s low-quality website content, poorly written or confusing onboarding documentation (that’s typically your client care pack and Ts and Cs etc), or obfuscated updates from solicitors and legal teams, the general standard of law firm communication is not where it should be.

I spent years trying to improve this process and communication – something that was essential when dealing with up to 100,000 clients at any one time on low margin work. A breakdown in communication could trigger thousands of phone calls and emails from existing clients – all impacting the profitability of the work.

My view in the main is that the only reason a client contacts you for an update, is because you’ve failed to provide the right information, at the right time, in the right way.

Imagine the impact if your reviews feed was full of people saying how refreshingly easy it was to understand the process, the correspondence and updates you sent, and that they didn’t need to contact you at all for an update or to clarify what your latest letter actually meant!

I’d certainly be tempted to choose that firm, based on those reviews.

Martyn: The world has certainly changed with regard to the lawyer/client dynamic. A hundred or more years ago, and even less, there was a sense of an almost class divide – especially between the ‘oh so honourable, professions, and the rest of the world, who might have been classed as ‘tradesmen, retailers, workers’. Was there a sense that the term ‘profession’ could not apply to these ne’er do wells – and therefore, was there an entitled sense that these vagabonds were jolly lucky to be able to call upon the services of us ‘professional gentlemen’?

If this attitude existed then what has changed it? Well – this is probably a major treatise on social history and development, the rise of a meritocracy, the breaking of barriers, and the ease of entry for new ‘professionals’. If it did exist, however, I do feel that it is being well-eroded, and clients need to know, feel and be treated with respect. We must all reflect that they are truly the first line of our existence, without which, there is no purpose.



client

This can even start at the first or second point of contact, and I am always astonished and perplexed why even the simplest opportunity to shine is lost. For example, how would you feel if receiving this email out of office message from your lawyer:

"At this time, we are still experiencing unprecedented numbers of email and telephone enquiries.

We need you to understand that we will not always be able to get back to you in the timescale you would expect, as we need to carry out our work and deal with other enquiries as well as yours and must give priority to matters that are about to complete.

Emailing us numerous times a day and phoning us constantly will not change this.

Within this firm we do not treat emails any differently than ordinary post.

We usually respond within 48 hours - where we have an answer - or within 7 days if we are waiting for information."

That is a true out of office, believe me! So basically, "You're not that important to us; we're too busy to deal with you, and actually stop pestering us!"

**Howls of laughter* *Boisterous belly chuckles* The Naked Lawyer falls off her spit bucket! Finding this all so very amusing she beckons me over to help her back on her perch and whispers something in my ear...*

Encouraging me to pursue this line I pose the question: **"What IYHO differentiates those lawyers / GCs / Barristers who deliver great client/customer service in contrast to those who do not?"**

James: Ok, this is a relatively easy one. Having worked with several firms across the UK, the ones that put data at the heart of the client experience are the ones that are able to generate longer-term, stronger more profitable relationships. Unfortunately, not many do put data at the heart of their businesses, and as such, opportunities to identify new ways to strengthen the client bond go missing. I guess a key question here is how do you measure great client service? For me it's about extending a relationship beyond the immediate, and that means building trust and empathy. That takes time, getting to know your clients as people and business owners. Understanding their pain points and their ambitions, and gathering that information and insight (call it data) and using it to help them above and beyond the immediate.

Many firms simply see the transaction in front of them, not a long-term relationship. Meaning short term wins. This is a myopic position and one that could quite easily be reversed, if, during the on-boarding processes firms really took the time to get to know the businesses and the bosses better. Yes, they will be engaged, (more than likely) on a specific issue, but firms can add value through different service lines when the time is right. I have used the services of several firms throughout my career, and sadly, I haven't built a relationship with any of them. Transactional. Do the deal, pay, done!

In my world, repeat business is critical, as it takes twice as much effort to get a new client than to keep an existing one. How do good firms manage this? By building profiles and plans alongside clients, allied to their ambitions and challenges. This insight/data is then used to create a key account/client relationship where opportunities for additional fee-paying work can be identified well in advance, planned for with the client and optimised at point of delivery.

Assuming you already have wonderful practitioners with great human interaction skills, then the difference between great client service and the rest, is planning, data and action. Data

James Moore -
Kulahub, Director



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needs to be centrally managed, and ideally harnessed on a tech platform to take the 'leg work' out of managing the data, and the communications and the scheduling and the reporting.

Simply put, this is key account planning and client management together. CRM. IMHO that is the difference between great client service delivered to the benefit of the client, and the firm!

Okay then, so **“What would be your key tips to lawyers, GCs, Barristers etc with regard to empathising with clients / customers?”**

Dror: Listen to them. Be human. Disassociate what *you* think the customer wants or needs and find out what *they* are asking for. Look them in the eye, be it in person, or on Zoom. Don't wear a suit, let them see you exactly as you are. They are exposing their vulnerabilities in the hope that you help them at their time of need. Don't take their vulnerability for granted. Respond quickly to their enquiries and make them feel comfortable when asking follow on, clarifying questions.

Sam: Talk to them like you're down the pub (or maybe in a trendy coffee shop). You're not in court, you're not going to impress clients with your verbosity and eloquence. It will only lead to more questions at best, or dissatisfied clients - more likely.

I've heard lawyers on the phone to clients talking to them like they're trying to win an argument. Remember - you're not doing them a favour, they're doing you a favour by selecting your service, treat them with the respect and consideration you would expect to get yourself.

Martyn: Within that mix is also relationship building and nurturing. It's about mutual respect and both parties knowing they are working together towards a common goal.

The relationship shouldn't be based on the transactional nature of the activity - it's about long-term relationship building - even for the smallest of transactions.

One of my earlier deals in my '30's was aborted - and there was £30k of WIP on the clock. Distraught, I was not expected to be taken out for consoling beers by my corporate lawyer who declared that they would write it off - and pay for the beers. They saw the future value of what I may get up to - and probably the wonderful future hindsight of well over £200,000 of fees.

It's about really understanding your client - asking them what they are aiming to achieve, establishing quite openly how they want to be communicated to, and then delivering totally to, and beyond, their expectations of you.

Becki: When considering empathy, I have to mention Harper Lee's classic novel "To Kill a Mockingbird". I can remember our class reading and analysing the book in school during our English classes (our teacher unenviably tasked with educating a group of bored children about empathy), but the following quote stood out to me; "You never really understand a person until you consider things from his point of view . . . until you climb into his skin and walk around in it." It was a little like a eureka moment for me and it has stayed with me ever since.

As a lawyer, seeing the world through the eyes of your client can help you to provide a level of service that will make you stand well apart from your competitors. But the task is difficult; empathy assists with the building of rapport, trust and confidence. Using empathy within dispute resolution can also give you an advantage as you not only understand your client's wishes better but seeing the world from the opposing party's perspective will help you to understand exactly what they want to get out of the dispute as well.

Although empathy is not an emotion, it does involve an emotional reaction, which doesn't really have a central place for a lawyer who is supporting their client through an issue. The practice of law is based upon reason and rationality. Emotions can be seen to be unpredictable and at times, illogical in their nature.

As a client, the entire legal process is laden with emotion. Even if the case itself appears to be relatively neutral, the mere act of searching for, consulting with, or instructing a lawyer, causes an emotional reaction in the client. Many joke that they would much rather visit their dentist! But people want to be understood. Not just by their friends and family, but also by the people that they interact with, especially when they are feeling isolated or vulnerable and during periods of crisis.

Martyn Best
Document Direct,
Managing Director



happiness

When a client feels that their lawyer understands them and is truly interested in a successful solution to their issues, they become less anxious and more at ease. They become willing to provide information, even the information that could be embarrassing, or perhaps not show them in the best light, yet is important to their case.

Outside of the profession, lawyers are not generally known to be empathists. Thinking about it pragmatically, in reality a true empath would have a pretty difficult time practising in many areas of the law. But to be truly effective and successful in their job, the lawyer needs to be able to translate their client's story from a set of demands to a set of "resonances" with each of the other stakeholders; a successful lawyer needs to be able to induce empathy.

Although having too much empathy may cause lawyers problems, a lack of empathy will undoubtedly lead to even bigger ones.

Jo: Don't Worry, Be Happy!

When did you last need a lawyer? Can you remember how you were feeling before you made contact? I bet "happy" wouldn't be the first word you would use to describe how you felt....

I can count on one hand the number of times I needed a lawyer in my life so far. I can assure you for every instance there was a sense of trepidation!

For many people it is often a distressing, unplanned or unforeseen circumstance the individual finds themselves in. For example - a car accident / personal injury, divorce, driving offences, criminal proceedings, employment dispute. I'd imagine words like upset, angry, stressed, or distressed might be top of this list. Certainly not happy!

So how do law firms create happy customers? They should empathise! Consider the client's emotional state at the start. Go on the journey with them, support them as their feelings change. It is likely they have been in a state of denial for some time but they haven't sought out legal advice so likely they are now in a state of chaos and confusion and in need of help and advice to allow them to think rationally and devise the plan that can lead them to a happy outcome.

Let's remind ourselves why a person would need a lawyer? Law is complicated! Not only can it take away paperwork and hassle but great advice and quality interventions can save money, pain, uncertainty and deliver clarity, certainty and closure. Having a lawyer should deliver a much better outcome. Great - a pathway to happiness.

The basic emotion that most humans strive towards is HAPPINESS. The good news is that happiness is how people feel after they have received the legal advice - but what an emotional roller coaster they have been on!

The Naked Lawyer flashes Jo a smile and a wink as I jokingly tease "Have you been OD'ing on Ken Dodd's happy pills again, Jo?" The ambassadors immediately burst into cohesive vibrant song with hands raised flapping and performing "Happiness, happiness, the greatest gift that I possess. I thank the Lord that I've been blessed. With more than my share of happiness"...

After much revelry I eventually succeed in cajoling the gang to settle down. "Now, now, play nicely with our newbie ambassador" I implore. In an attempt to comfort Jo, I turn to her and opine, "I guess this is like enduring 'the bumps' at school or a hazing at University! But please take it as an acceptance ritual. You are now formally IN the gang"

Playtime over, comedians and comedienne, let's get back to the task in hand ...



Jo Liston
Wipro, Senior Commercial
Manager

“What do you see as the key areas that are ripe for improving client/customer service by using technology now, and in the future, by law firms, businesses of law, legal departments, new entrants?”

Vinnie: Total transparency of Client Information, giving the client access to matter/client data 24/7. This could move the firm from being simply reactive to a client's request, to being proactive and knowing what information the client is seeking.

Client Self Service – Where clients have unfettered access to data such as matter lifecycle information, what the status of each client matter is and where they are in terms of matter budget against granular information around hours billing, by who and for what.

Client Self Service could further be used also to serve up access to parts of the law firm's knowledge system; allowing the client to seek answers to general questions and maybe this could be a good way to expose law firm content to the client; no longer being simply pushed out to the client, maybe at the wrong time and with the wrong context; but with the client being able to pull/explore this content when required.

Nick: As a service industry you simply have to cast your eyes (and digits) over the propositions we all engage with daily in other areas to know the specific elements that, when done well, fundamentally change your satisfaction (is enjoyment too high a bar for legal services?) with a service engagement.

Accessibility and ease of use – I can speak to someone on video to arrange a mortgage at 8pm; simple, multi-channel communications – I can upload docs, sign digitally, chat; transparency with progress – I know who is delivering my parcel and precisely where it is on the journey; speed of execution – I can open a bank account in 10 mins; self-service – I can renew my driving licence online in a few simple steps.

Internally, there are some obvious areas for improvement through technology that have knock-on benefit for customers (lower costs, quicker service). In our view, the ripest area for tech improvements are the administrative tasks that can simply be completed better by machines. This includes better use of data, open banking and other resources, risk management, and integration of different technologies. For example, when someone dies, the procedures surrounding probate are still heavily reliant on people and manual processes, which are slow and cumbersome, and this then drags out the process, making it really difficult for those involved. Our platform aims to connect the data and services used by legal services firms, financial institutions, and executors to make managing the probate process easier, and it is technology like this – which can connect different parties and data – that we see making the biggest difference to the legal sector. By using technology to reduce repetitive, data-centric tasks, legal professionals have more time to focus on the more complex aspects of their work that computers simply can't do.

James: Again, this is about data gathering, centralising and using it. Technology can do so much, if properly considered (the objectives), properly developed (to the objective requirements) and properly maintained and used (by marketing and business development teams, which understand why they should be data focused and WORKING IN TANDEM).

I don't see Partner-driven client development being obsolete anytime soon, but Partners must come together to understand how technology can help their practices centralise business development and client revenue opportunities, optimise according to value and priority, then maximise every single client and prospect revenue opportunity.

In practice, this is a process that is both human and technology-driven. Without one or the other, client service/CRM/lead management won't work.

Kulahub offers the technology platform, using data centralisation and manipulation, prioritisation via lead scoring (value-based) and workflow automation and communications platforms. With, of course full dashboard reporting.

In my opinion, firms must get behind the principles of client servicing (as adopted in many other B2B sectors) and then behind the skillset and technology platforms that enable them.



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Alex: If you take the example of audits, I think technology can help to have a more customer-centric approach.

Rather than providing a written contract audit in the form of a 500-page report (which your client will have to translate into concrete actions in his own management tools) if you know that your client uses a contract management software, you can consider providing him with this audit directly uploaded in the tool. The contracts are stored in secured platforms, alerts are set up, and notifications for important dates, turned on, so that clients are alerted when an obligation has to be fulfilled.

Alex Grux
Hyperlex, CEO
and Co-Founder



To Sell documents or templates should disappear in my humble opinion. Tomorrow the technology will help professionals not to sell the template but the template machine access in order to create as fast as possible the contract but also the subscription to keep the document updated. It looks to be a great way to shift from “one shot services” to “recurring services”.

Such: It's all about 'communication'. Using a legal service is frankly a 'distress purchase'. Clients do not go to a law firm because they WANT to, they go to a firm because a situation has arisen which means they HAVE to.

That means the client's starting point in a relationship is '*I really don't want to be here spending money but I have no choice!*' That is as much the case for a straight-forward house purchase as it is a complex commercial dispute.

In my view, the fastest way to improve service is rapid and regular communication. No client wants to hear about important information several days after the event and no client wants a wall of silence over a prolonged period of time.

I've seen firms recognise this and embrace the power that already sits within the tech platforms to improve communication. They simply dial up the regularity of updates by either prompting lawyers to take action or they automate updates at certain milestones. Others have taken it a step further and provided a platform for their clients to access to almost 'self-serve' their need for communication.



**Whizz-bang* *Whoosh* ... Martyn's nodding profusely so The Naked Lawyer hurls a muse bomb directly at him. Not expecting or prepared for this Martyn jumps to narrowly avoid a direct hit and immediately begins blustering ...*

Martyn: Yep I agree Such, communication is the key. We now live in the fast, digital age. Our GenY and Z's (the ones entering decision making territory) expect quick responses, prompt updates, and easy access to information.

Just look at for example, Amazon, or Naked Wines as two shining examples. They communicate so well throughout the decision process, the buying process, the delivery process, and the ultimate arrival, and post-delivery. We all know exactly where our precious purchase is and when to expect it – and when it does arrive it's nearly 100% to our expectations.

The rest of the world of legal IT – LegalTech – dare I say is actually mostly irrelevant to your average client. Who cares about what CMS you have, what document management system you have, if you have AI or not?!

I truly don't care if your server is in the cloud – just as long as your head isn't.

satisfaction

The number one thing that lawyers can do with better tech is to communicate better – the rest will take care of itself.

I'm not saying LegalTech is unimportant – of course not – I'm just saying that your clients will not care what you have, as they will assume you are engaged with the best support you can have, to deliver the best service at the best price.

Another personal example – I bought a small property recently – and the customer interaction was less than wonderful. I referred the firm to InCase, which would have both improved the whole delivery of advice but also actually would have shortened the transaction, and the time they spent on it, and of course their profitability. Despite a reasonably informed client (i.e. me) suggesting this, the reaction was still, "We don't really think that's for us." It is this inward-looking state that needs changing, and tech can help this.

Interestingly, I read an article in The Law Society Gazette¹ back in July that was reporting and commenting on The Legal Services Consumer Panel tracker survey which states that client satisfaction has hit an all-time high, despite lockdown. "Do you think this is because more legal service has occurred online due to lockdown?" I ask. "Why now?" "Is it because lawyers may have been forced to communicate digitally more often?" ...

James: That's quite amusing. Satisfaction has gone up when face-to-face contact has gone down. What does that say about lawyers, the clients and/or the digital topology? Probably something about each.

Inevitably, the pandemic has forced all businesses to address the way they conduct business and manage client service. It is no longer critical to have face-to-face interaction, though this is not necessarily a perfect way to build or maintain relationships in the longer term. Digital platforms means that client and internal communications can be more pointed, less travel on business time means more time to be productive (theoretically) and more profitable.

In my opinion, we have now adjusted to different working rhythms and consumers of professional services are equally as happy receiving services remotely/digitally as face-to-face. Doing so saves them time as well. So lawyers have needed to shift and adjust as well as anyone. The upsides (once the rabbit in the headlights moment passed in March last year) of this MO are necessarily more touchpoints, via video-conferencing platforms and digital communications. These can be easily planned and managed via scheduling in Office or other.



**Whizz-bang* *Whoosh* ... what feels and looks like a meteorite storm of muse bombs peppers the entire room as The Naked Lawyer zips around on her Segway amongst us all. Immediately intoxicated I begin to tommy-gun the ambassadors with a plethora of questions who, being thoroughly warmed up by now, are only too keen to fire back vociferously ...*

1. https://www.lawgazette.co.uk/news/client-satisfaction-hits-all-time-high-despite-lockdown/5109090.article?utm_source=gazette_newsletter&utm_medium=email&utm_campaign=Borders+bill+%27risks%27+access+to+justice+%7c+Offices+set+for+reopening+%7c+Global+Britain_07%2f06%2f2021

“Where do you think the ‘power’ currently lies in the relationship between the lawyer and the client/customer?”

Such: Power has definitely shifted from the lawyer to the client. I remember 20 years ago when as a young solicitor, I had the power in the relationship. It was no more obvious than clients waiting patiently for me to call or write to them...only for their reply to be instant. Then they would wait another week or two before I next contacted them. Can you imagine the review I would get today if I took that approach? Oddly, the client has always had the power, they were probably just blindly relinquishing it on the assumption that the professional lawyer was in control. Let's not forget the client instructs the lawyer. The client pays the lawyer. The client tells the lawyer what to do. They are definitely the ones in control and this shift of power is now squarely with the client and has been for several years.

Alex: I think power currently lies in customers. Simply because, if you think about all these LegalTech platforms (e.g. Legalplace) where people can find legal advice for a very cheap price (services are sometimes four times cheaper!). You realise that clients have choice, they can actually decide where they want to go to get legal advice.

If we also discuss the power balance between the Law firm and the Legal department: we could also say that today's tech revolution definitely empowers the legal department regarding the law firm. In France, Law firms represent the legal expertise (vs the legal processes/the day to day business relationship) that you need to have to be protected against a legal risk. LegalTech emphasises the importance of the legal department in the contract processes and as a pilot of its processes inside the company. The Executive committee will have more data about the contract processes and how it impacts the day to day businesses. It's in my humble opinion something which will help to reduce the power of law firm vs legal department.

Sonia: Ultimately the technology players will have to be customer-centric first in their experience. Otherwise they just won't last long term. So in a way that is certainly good news for law/legal services customers. A great technology solution performs well when it retains customers and that can only happen when and if it holds solving customer real frustration points within the core conception of the product. In the legal tech land of solutions aimed at Legal departments, it will even be more fundamental as GCs are expected to be customer-centric and enable sustainable growth of their business operations. Speed, innovation and performance are required so technology relied upon by the legal teams and businesses must enable that or be discarded.

“If you were a client/customer in need of legal help, how would you go about choosing a lawyer?”

Sam: Personally, I would ask friends and family and existing contacts (potentially including my LinkedIn network, so make sure you're listening on there!). I might message my tennis club pals, or the neighbourhood WhatsApp ground. But essentially, I'm looking for a recommendation.

Once I get that, I want to sense-check it. I'll take a look at their website, the reviews and comments across Facebook, Google, maybe the TrustPilot or Feefo reviews, and then decide to give them a call if that all checks out. If I get a good vibe from the phone call, you've got yourself a client!

However, many other people are not as discerning – we know this from data we collect on searches and website form fills.

Often a potential client will search for your service, click on the first few results, and fill out a form on the website (if it's easy enough to do). Then it's a race to see which firm can respond the quickest to get that person on the phone.

You all know you convert a higher percentage of calls over form fills, so you need to get that potential client on the phone to stand more chance of signing them up. If you're not converting more phone calls than form fills you need to urgently review your call handling process and staff!



Sonia Hadjadj –

Legal Counsel and
Legal Ops Consultant

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Vinnie: I think that the environment and ESG (Equality, Sustainability and Governance) are high on client agendas. For the majority of clients ESG is a big factor in law firm selection. D&I (Diversity and Inclusion) has been part of the RFP/Pitch selection criteria for some time, however Environmental / sustainability criteria now forms an important part of selection.

Good point, Vinnie. I'm aware Salesforce has the importance of this at its heart and has even created a solution ("sustainability cloud") to help its customers use your platform to monitor and make this a tangible success for them. Super impressed.

Alex: The first thing for me would be reputation and then price. I don't particularly care about location because I don't mind having a digital relationship with a lawyer, so it would be the last thing I would care about. All I want is the best expert there is! So, specialism would come third. Also, about speed of delivery, it sure is important, but if the lawyer has a good reputation, it means (s)he will deliver fast.

Review sites

"As regulators consider forcing law firms to sign up to review websites¹, what is your view on legal service comparator sites, and customer review sites? Are they a good/bad thing for lawyers and/or customers?"

Such: Online reviews are now just a way of life. Does anyone not look at reviews before any purchase, whether modest or not? We are constantly looking for validation that our chosen purchase is right for us. It is now the normal habit within the buying process and certainly applies to legal services. Frankly, if a firm doesn't have some method to allow clients to leave reviews for all to see, future prospects will be very sceptical and on top of that, the firm is missing a great marketing lever. I know that some review sites charge for the privilege which gives me conflict but they do offer a service that is of value.

Sucheet Amin
(aka Such)
inCase, CEO
and founder



However, I sympathise with any business that is in pain of paying to display reviews of its own service...but this is where Google steps in. It's totally free to set up a Google Business Account and from there, invite clients to post reviews. The business can respond to those reviews all of which is completely free and totally visible...and I'm sure there is some sort of algorithm working in the background to help the website improve its visibility and ranking! Sam will no doubt have a good expert view on this!

Dror: Review websites are good for all parties. Of course, there are going to be issues, just as there would be with any review site in any industry (for example, the authenticity of the reviews, whether the reviews are a fair representation etc), but in general, they are a good way for reducing friction in accessing legal services. The current government plan to crack down on fake reviews and make it illegal for people to write or host reviews will be a positive step in protecting consumers online.

Whilst reviews are not the only factor that should be considered when choosing a legal professional, they do play an important role in helping the customer decide who to work with. Word of mouth is a powerful way to assess who to work with and reviews are an extension of this. If the collection and presentation of reviews are done properly (reviewsolicitors.co.uk do this well), then reviews have the potential to be even more effective as they can mitigate personal biases.

From the lawyers' perspective, I understand it can be scary to be scrutinised publicly. But for those lawyers who want to survive past the age of the machine, being brave enough to take a step forward, and showing the world that they are willing to put customer service at the top of their agenda, is incredibly valuable.

But you can't have your cake and eat it, you either want to be customer-centric or not. There is a reason why platforms such as Trustpilot and TripAdvisor are worth billions, the market is telling us that consumers expect reviews.

1. <https://www.lawgazette.co.uk/news/regulators-consider-forcing-firms-to-sign-up-to-review-websites/5108763.article>

“Do you think clients / customers prefer to use technology 100%, partially (i.e. in the first instance before then moving on to human lawyer help) or not at all for their legal service experience?”

Jo: Without wanting to simplify and over-generalise, it might be quite helpful to think about a person's preference towards technology in the context of three demographic characteristics - Baby Boomer, Gen X and Gen Y/Millennials.

Baby boomers were born between 1943 and 1964

Many Baby Boomers now own a smartphone. They also use social media—especially Facebook, where they've doubled their usage since 2015. One could argue that the digital adoption of smartphones is a necessity, but growth in social media usage shows the opposite.

The pandemic has increased tech adoption with the older generations, but adoption was already trending upward before COVID-19 forced many businesses online. Like businesses that were forced to take operations online, Baby Boomers took their business online, due to safety advantages when COVID-19 hit.

So, it's good news! Baby Boomers are embracing tech – but make sure you have representation from this group when designing your customer experiences and journeys. It might sound patronising – but many on-line apps neglect this demographic and something as simple as the font size of text is overlooked. Remember they value relationships, so treat them well and you will be rewarded with loyalty. Don't lose sight that the Baby Boomer generation controls around 80 per cent of UK private wealth. Property is expected to account for 70 per cent of transferred wealth.... that's a sizeable market opportunity. Anyone who is likely to be in receipt of this.... Generation X!

Generation X were born between the mid-1960s and 1980

They grew up with minimal adult supervision and learned the value of independence and work-life balance. They also appreciate informality, are technologically adept, flexible and tend to be highly educated.

Often termed the sandwich generation - many have parents, children and are homeowners themselves. They are accumulating wealth and likely to inherit wealth in the not-so-distant future. They may be married and have an expanding family. They will research and not go with the first lawyer they find. They will seek recommendations and research a firm's successes and failures. Please think about how you attract and retain new customers. New Gen X customers could have size-able long-term value and they are loyal when they can see great service and value for money. In 2021, Gen X is at peak buying power.

The Millennial (Gen Y) generation were born between 1980-2000

They make up the fastest growing segment of the workforce. As companies compete for available talent, employers simply cannot ignore the needs, desires, and attitudes of this vast generation. As with each generation that preceded it, Millennials have come to be defined by a set of characteristics formed mainly by the world and culture they grew up in. Here are a few of their common characteristics:

- Tech-Savvy • Family-Centric • Achievement-Oriented
- Craves Attention • Prone to Job-Hopping

You need to bear this in mind when you consider how often and what medium to keep Gen Y updated. Lifetime value of a Gen Y customer is also tricky to navigate. How they behave in the workplace is a strong indicator of how they behave towards firms (brands). You will need to work exceptionally hard to win repeat business and engender loyalty in Generation Y. They much prefer self-service and on-demand services. You need to make it intuitive and easy to do business with. Lazily labelled generation rent, many (if not already) have strong aspirations for home ownership and are mindful that they may also inherit wealth. Gen Y wants to handle this responsibly and they care deeply about financial security.

Get to know your customers, how they think, what matters to them, what they value and need. Market and tailor your services to suit them best.

generational

Nick: This is the question that almost all service industries wrestle with. The answer is (unfortunately) “it depends”. If we start from the position that we are here to serve our clients and customers, then we must be prepared to accommodate them on their terms. The circumstances are everything here. Is your client stressed or under pressure? Is the topic or task difficult or simple? Is it a transaction or a relationship-focused engagement? Are they comfortable with technology or do they find it alienating? The variables are many and, as such, there can be no one-size-fits-all model in a service-focused business.

The parallels between the legal sector and the financial services world I worked in for many years are strong. Banks have been working fanatically for years to digitise services, with every engagement viewed as a transaction that can be made easier (from the banks’ perspective perhaps!) by putting it online. In reality, for all the reasons mentioned above, as a customer you occasionally just want/need to speak to someone directly to get advice, guidance or help. There is nothing more frustrating than being unable to escape a digital journey when it’s not working for you. In many cases digitisation has gone too far, and banks are now trying to find ways to reconnect human with human.

So, the holy grail of service is, in my mind, a very flexible hybrid model that enables engagement with clients using technology where it helps (comms, information gathering, progress reporting etc.), but make access to the expert easy and unconditional.

At Exizent we are completely focused on bereavement. As our lives and therefore probate cases become more complex, the human aspect is absolutely vital – the help and support that legal professionals provide the bereaved cannot be overestimated. In fact, the Exizent Bereavement Index showed that 39% of law firms provided their clients emotional support in at least half of bereavement cases – unsurprising given 94% of people who had recently lost someone said they found at least part of the bereavement process stressful.

That’s why we are firm believers in the role of the legal services community in helping the bereaved, but massive advocates of introducing the right technology to ease the whole process.

If this should be the case, perhaps we should consider the following:

“Lawyers love to say that they are “trusted advisors”. Should trust in people/lawyers be extended to trust in machines/technology by clients/customers? i.e. would YOU trust a machine / technology to do as good a job (if not a better job) than a human lawyer in your hour of need?”

Such: It is often said ‘trust is earned’. Generally, the public do trust lawyers from the outset but that will start from a low base and improve over time. Once trust is cemented into the relationship, it can be a very hard bond to break. Of course, there are situations when that trust erodes because the client doesn’t get the service or result they expect and lawyers can find themselves on a downward spiral. When it comes to machines and technology, the public is now so ‘hard-wired’ into using tech that trust comes naturally and instantly – trust isn’t earned here. If that machine or piece of tech fails, that trust can quickly disappear whereas with a human lawyer, there is a quick route to re-building that trust through face-to-face contact.

But “The ‘trust’ issue often goes hand in hand with what level of ‘risk’ you are willing to take as a client / customer. Do you think it is riskier using the machine / technology than a human lawyer?”

Alex: I think that using one or the other would be riskier! For this to be balanced, humans and robots would have to work hand in hand. The robot could give plenty of information, and the human could complete the work by analysing the data and using his free will to advise.



Nick Cousins –
Exizent, CEO and founder



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Let's just pick up briefly on the regulatory element again, shall we? Professor Stephen Mayson has been reading and following our roundtable discussions and has kindly commented that he loves the focus on the user/consumer expectation and experience in our Technology in Law Law Land sessions. He says he's been "thinking about consumer expectation and experience a lot recently as part of the next steps in regulatory reform".

"Is the current legal regulatory framework and system a help or a hindrance for clients / customers? Should machines / robots be regulated like human lawyers?"

Martyn: Now that's a funny one – it's the people that cause the problems, not the machines.

Sonia: Yes – where the activity falls under the scope of regulations of law activity. The goal of these regulations is to protect the public so whether it is delivered by humans or via algorithms or a mix. Whilst trying to not hinder innovations, regulators shall proactively imagine future developments and precede them to set a regulatory frame around them and not play catch-up. Regulators should not let industry or players self-regulate or self-police on these issues of artificial intelligence developments.

Dror: 100% yes, they should be regulated. Just like an unregulated lawyer, an unregulated machine could potentially create unfair practices or undesired outcomes. Regulations (when in place correctly) are there to protect the end user, who is often in a more vulnerable position than the lawyer. Whether machines *can* be regulated or not is perhaps a question for a singularity expert.

Alex: In theory, yes, there should be one rule for everyone. For example, lawyers should have a very strong code of ethics. At law school, there are many courses on this subject.

But as the robot lawyer has no free will, it would make no sense to train him on deontology because we are trying to correct human failings with this. A robot will not have the idea to leave with his client's money and go to the Bahamas.

At the end of the day, Robots are executing Human instructions (through the dataset or through the code), so it's likely only the human element will have to be regulated.

Another way to see the question... Imagine that tomorrow regulators will use robots to execute continuous controls of regulations and regulated companies will also have software to execute continuous controls inside their companies, etc.

I'm sure we will see regulator robots which will be used to directly certify the legal AI of the software etc. It would be a kind of machines regulation "by design". The future will be amazing.



Dror Levy
LegalDrop, CEO
and Co-Founder

In the previous Technology in Law Land issue you will have read that I shared between 2020 and 2050 more than half of legal services workers will have lost their jobs and those that remain will be forced to take “performance-enhancing medication”. **Do you think clients/customers will be accepting of this scenario aka engaging / commissioning a human lawyer who is ‘medicinally enhanced’?**

Martyn: It’s a funny thought but won’t happen. We will need people, and people are resourceful enough to adapt and apply themselves to the new opportunity of increased regulation that is looming our way – if only on the laws relating to using machines in a legal practice.

Oh really? What say you, Alex? ...

Alex: Is an antidepressant a performance enhancing medication? If yes, the future is already here. I think it’s not jobs that will disappear, it’s tasks. If the job disappears it’s because it was not a job but a task execution position (and not the best place to work). If we are thinking about competing against the machine for a similar task, we will need a lot of medications; it is a lose-lose situation. But, if we imagine working with machines and associate the power of computation and the untiring execution of repeatable/boring tasks of the machine with the emotional capabilities and the creativity of the Human, we will find a job which gives us time to be happy.



**whizz-bang* *Whoosh* *Zing* *Vroom-Vroom* ... The Naked Lawyer dances on her Segway as we all burst into animated song again: “Happiness, happiness, the greatest gift that I possess. I thank the Lord that I’ve been blessed. With more than my share of happiness.” Uh-oh, time to wrap things up before The Naked Lawyer grabs a tickling-stick methinks. With only two muse bombs remaining on her utility belt things could get very naughty!*

One final question:

“As a buyer of legal service/product aka user of the legal system (in any capacity i.e. as a tech supplier or actual lay person needing legal help), if you had the opportunity to chat with any famous solicitor / lawyer / judge / politician in the world alive today, what question would you ask, and why?”

Martyn: Curiously, Barack Obama, Vladimir Putin and Xi Jinping are all trained lawyers. I’d therefore ask them to get their heads together and improve the customer service of the world, and stop being so short-term and self-centred, build long-term relationships and really understand what your 8 billion customer base wants.

conclusion

Alex: Why are we not changing the system faster? It's an easy question but a complex answer with multiple facets of a unique problem which glues our system together. I love the early adopters of today's legal system who want to change just to change (with sometimes no business reasons). They just want to run to the future. However, it's a real pity to see how sometimes things take so long to be adopted by people who have a really good reason to change. My biggest example is the law firm vs corporate: when we founded Hyperlex technologies we had 2 approaches:

- be adopted by lawyers to transform legal services from law firms; and
- be adopted by companies to make improvements for themselves:

4 years later it was still impossible to make law firms in France adopt our kind of technologies. They are still wondering if it is useful for them, if the cloud is safe enough, if it will impact their pricing model, etc. But on the other side, some companies are embracing these new tools and technologies, and are running as fast as possible to deploy this service to their internal users.

Why?

Oh-oh. Don't get me and The Naked Lawyer started on THAT topic, Alex. *Raucous laughter* *smiles* *winks* *nods* ...

Becki: Without a doubt I would ask to have a chat to Sir James Munby. He was a Judge and the President of the Family Division of the High Court when we first started Transparently. I can remember the first time I read his "View from the President's Chambers" and thinking he completely understands the struggles and intricacies of life on the "ground", which for a person at such an elevated level is bluntly... rare. Everything he said resonated. What would my question be? That's easy; please can I have a day of your time so that I can ask you a thousand more questions.

LOVE IT! If only we had more time. If only ... TIME ... Such a precious element at the heart of life, business and lawyering. Maybe even cherished as much as happiness, perhaps? And with that parting thought, The Naked Lawyer zip-zapped across the room chanting "Happiness, happiness, the greatest gift that I possess. I thank the Lord that I've been blessed" ...

See you next time!

By Chrissie Lightfoot Chief Tech Advisor and Writer to Modern Law (Chair of the 'Technology in Law Land' roundtable). Chrissie is an Independent Non-Executive Director and Advisor, a global multi-award winning Legal Futurist, Consultant, Entrepreneur, Lawyer, AI LawTech Pioneer, Strategist, Marketeer, Brand builder, best-selling Author and Keynote Speaker. Founder and CEO of EntrepreneurLawyer Ltd.

