

# FAILING AT THE FINISH LINE



HOW LAW FIRMS LOSE PROSPECTIVE  
CLIENTS AT THE FRONT DOOR



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# CHANCES ARE YOU LOST A POTENTIAL CLIENT IN THE PAST WEEK

It's not because your website failed to attract visitors or that a lone, negative online review dissuaded an inquiring consumer. Rather, it's because that attorney-seeker slipped through your fingers at the point of initial contact.

**The problem lies with your intake process, and your firm is not alone.**

Intake encompasses all of the processes a firm uses to collect and manage leads, with the goal of converting them into clients. It's an essential function of any successful legal business. But doing it wrong can cost law firms business without them even knowing it.

## Consider Thomas

*Thomas has been in a rear-end collision that has caused him debilitating back pain. The day after the collision, he looks online for legal representation and finds a law firm close to home. Suarez Law appears to be a small firm with only two attorneys, but that appeals to Thomas. A smaller firm, he believes, would provide a more personal touch, which is exactly what he needs, given what he's going through. A quick look at the online reviews also suggests that Suarez Law has served personal-injury clients well. Picking up the phone, Thomas calls and leaves a detailed message, as the voice mail prompt requests.*

*Two days later, Thomas receives a call from Anne – the receptionist at Suarez Law. Anne doesn't identify where she is calling from and proceeds briskly through a detailed list of questions. For the most part, she asks Thomas for information that he already shared in his phone message.*

*Finally, Anne tells Thomas that Anita Suarez, the firm's lead attorney, will be available in a couple of days to talk with him but only at two o'clock in the afternoon. Thomas says he's in a lot of pain and waited two days already. Might Ms. Suarez be available sooner? "I'm sorry, but that's when she's available," Anne replies. "Ms. Suarez is one of the best at this type of case, and she doesn't have a lot of open time on her calendar." Thomas begrudgingly decides he'd better take the appointment.*

*Another two days later, during their scheduled call, Anita Suarez hurriedly runs through an explanation of how her firm operates and what she can do for her clients. The call is largely about Anita, not Thomas.*

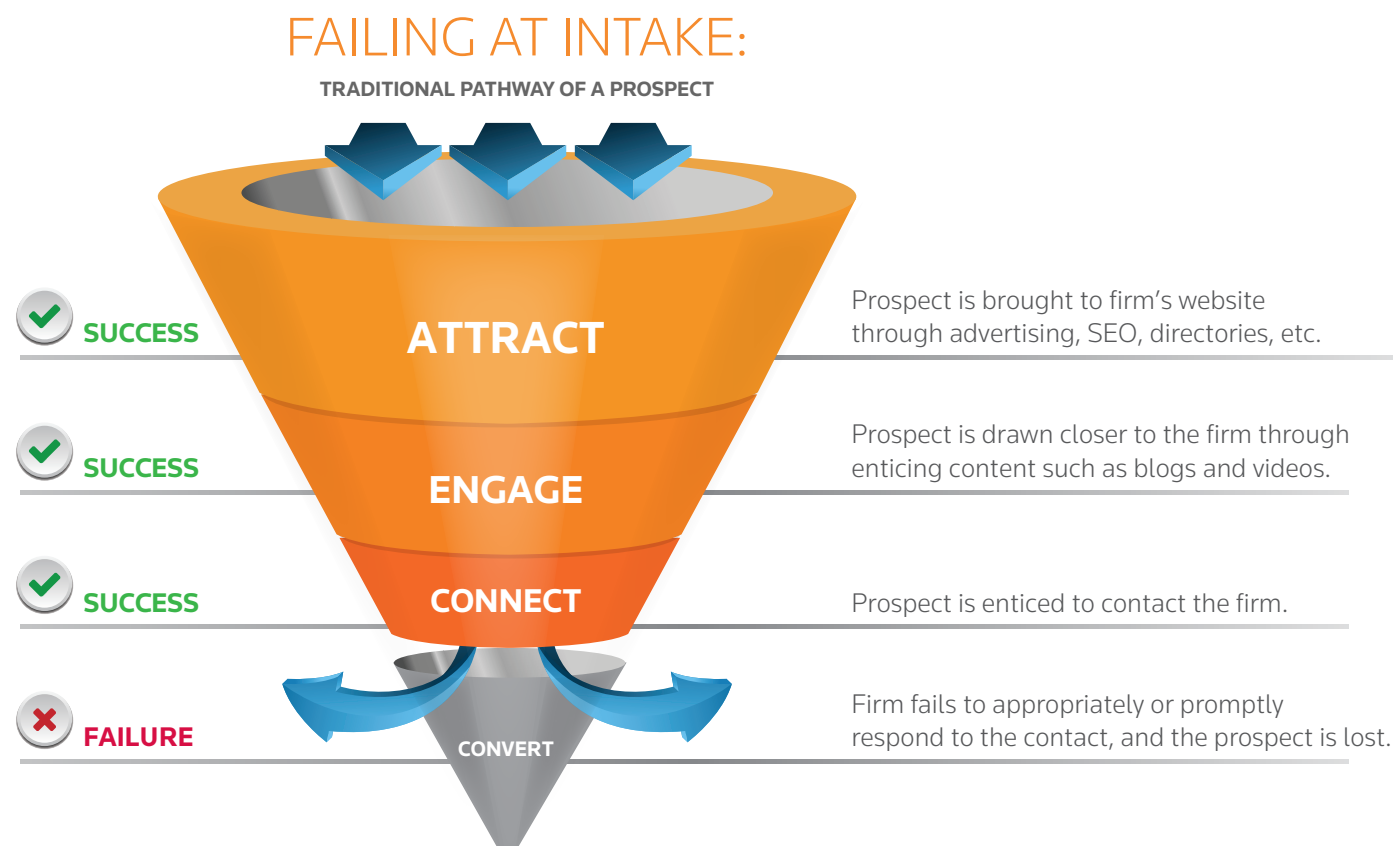
*At that point, Thomas has lost confidence in Suarez Law, and he decides to contact a different firm. Suarez Law has just lost a potential client.*

That scenario may sound extreme, but it's actually an all-too-common type of occurrence among law firms. In fact, many potential clients don't even get as far as Thomas did and turn to another firm if they don't get a call back promptly from their first contact. Law firms regularly allow potential business to disappear because their intake process prevents them from getting clients.

Attorneys typically think they're good at intake. Certainly, they don't purposefully turn away good cases, and they are dedicated to the well-being of their clients and the success of their practices. However, through extensive research, including

in-depth interviews with attorneys and legal consumers, FindLaw has found that many firms are failing at intake.

With fully one-third of firms neglecting phone messages and half not responding to emails or online forms within 24 hours, if at all, they are missing out on new business that they've successfully enticed through their marketing to contact their firm but come up short in converting them into actual clients.<sup>1</sup> And yours might well be one of these firms, which can mean you're leaving money on the table.



<sup>1</sup> 2014 FindLaw Secret Shopper Survey of 100 U.S. Law Firms

For a more specific example of how an ineffective intake process can mean lost opportunities, consider the following scenarios.

Let's say Suarez Law receives 200 leads per month and converts 25 percent of those leads into clients. With an average case value of \$3,000, that translates into monthly revenue of \$150,000. But let's say that, with improved client intake processes, the firm can increase its conversion rate to 35 percent. That means Suarez Law's revenue is boosted to \$210,000 per month (200 x .35 x \$3,000). This is a net gain of \$60,000 per month, or \$720,000 per year.

To dive deeper, imagine that Suarez Law spends \$12,000 per month on marketing. Without conversion efforts, that \$12,000 yields 200 leads at a 25 percent conversion rate. This places the firm's monthly cost per client at \$240.

Now imagine that the firm focused on improving their intake practices to bring Suarez Law's conversion rate up to 35 percent. Their cost per acquisition would be reduced to \$171.

In a scenario like this, it becomes clear that intake practices can affect measurable changes to a firm's client roster and revenue, without necessarily requiring more marketing dollars. Small changes really can yield large results.

Converting leads like Thomas into clients should be the goal of any firm that's seeking to grow. But in order to fulfill your firm's business potential, you need effective intake. And that requires a deep and critical examination of your intake process.

This white paper will show the ways that your intake process might be performing at less-than-peak effectiveness. It will also offer methods for improving that performance and thus maximizing your firm's revenue. In showing how the process can break down and how it can improve, this paper will draw from FindLaw research, proprietary FindLaw data and legal industry expertise. While you might think that your firm already delivers an adequate experience to your customers, the truth is, most firms dramatically underperform in this key aspect of their business.

## WHAT'S THE BOTTOM LINE?

### CURRENT PRACTICES

200

leads/month

25%

conversion rate

\$3,000

average case value



**\$150,000**

monthly revenue

### IMPROVED PRACTICES

200

35%

\$3,000



**\$210,000**

## Strong Marketing, Weak Intake

One reason for low performance is that many law firms confuse leads with clients, resulting in strong marketing tactics that don't convert during the intake stage.

Though a small firm, Suarez Law has been strong in developing its awareness-level marketing. Online, Suarez Law has worked hard to boost its visibility through a new website, placements on legal directories and even starting a blog they promote via social media.

Suarez Law is by no means unique. All told, spending by small law firms on awareness-level marketing increased 14 percent from 2012 to 2014, from \$2.1 billion to \$2.4 billion.<sup>2</sup> More and more firms, Suarez Law among them, are good at getting potential clients to call them.

But Suarez Law has been less rigorous when it comes to handling those potential clients after they get in touch. According to research conducted by FindLaw, most firms' staff have little to no formal client intake training. What's more, many have no standardized method or system to track potential clients. Some firms still use antiquated paper files to record data. They often take a set-it-and-forget-it approach, not revising or updating their processes when new information or more efficient methods arise.

So while a growing number of smaller firms are spending significant amounts of dollars on attracting potential leads, fewer are devoting enough time and effort on converting them into actual clients. They can get that potential business in the door, but once it arrives, it's left to languish in the waiting room.

## WHY AREN'T ATTORNEYS BETTER AT INTAKE?

In most cases, it's not because lawyers and their staff don't care about people's legal difficulties. It's often because they simply aren't paying sufficient attention to this side of the business:

**They think that their name, their expertise and their reputation will gain them clients.** Think of Anne's boss, Ms. Suarez. Most likely, she's made it very clear to Anne that the firm is good at what it does. She can easily point to the reviews that Thomas has read or her awards and recognitions. But while these accolades are excellent contributors to gaining leads, it's Suarez Law's intake process that will convert them into clients.

**They think they're a sure thing with potential clients.**<sup>3</sup> It's likely, too, that Ms. Suarez believes her reputation is all she needs. Anne certainly thinks so. This is by no means an irrational belief. According to a legal customer and consumer research survey that FindLaw conducted, practice area experience and referrals were the two top factors consumers consider when choosing a firm to contact.

**Attorneys simply aren't paying sufficient attention to this side of the business.**

However, there is a distinct difference between "deciding to contact the firm" and "deciding to hire the attorney." Experience may be important when a potential client decides to contact a particular attorney, but both qualitative and

<sup>2</sup> Thomson Reuters 2014 Client Development Market Size Study

<sup>3</sup> FindLaw Consumer/Customer Research

quantitative data show that strong customer service is an equally important factor in whether that lead decides to hire that attorney.

**They think their intake systems are adequate.**<sup>4</sup>

The client information systems that law firms use vary widely, from old-school paper files to electronic storage technologies. Frequently, those firms’ screening and follow-up processes are less than rigorous, often relying on the partners’ gut feeling based on their experience and institutional memory.

**They think they and their staff return calls right away.**<sup>5</sup> Why wouldn’t Ms. Suarez and her partners think that? Anne is efficient and competent, but she is also busy. She often finds herself multitasking, even while managing a firm as small as Suarez Law. In this scenario, Anne didn’t take the time to listen closely to Thomas and his needs. Instead, she was focused on her task list – on which Thomas’s phone call was just one of many entries. Simply put, sometimes workload makes it difficult to provide the level of customer service that can consistently convert a call into a client.

## SERIOUS PROBLEMS:

A 2014 survey by FindLaw revealed significant issues with most small law firm’s intake processes.

THE PROBLEM	THE NUMBERS	THE SOLUTION
<b>HIDDEN PHONE NUMBERS</b>	<b>18 percent</b> of firms did not have a phone number visible on their website without scrolling down the page. <b>Seven percent</b> of firms did not have a phone number on their homepage at all.	Make sure your phone number is highly visible on your website. Mobile sites should have a clickable phone number, not just an image or contact form.
<b>LIMITED PHONE ACCESS</b>	<b>73 percent</b> of firms had no means of answering phone calls outside of business hours (voice mail not included).	Know your clients. If your practice addresses legal issues that often crop up overnight or on weekends, plan accordingly.
<b>SLOW VOICE MAIL RESPONSE</b>	<b>19 percent</b> of law firms responded to voice mail within 24 hours. <b>33 percent</b> of law firms took more than 24 hours to respond to voice mails or never responded at all.	Make returning voice mails a top priority; or better yet, ensure that all staff answers calls, and avoid voice mail altogether.
<b>IGNORING MOBILE USERS</b>	<b>62 percent</b> of websites were not mobile-optimized.	With a third of legal website traffic coming from mobile users, the obvious solution is to mobile-optimize your site.
<b>IGNORING CHAT USERS</b>	<b>Only one percent</b> of websites had a chat option. <b>No firms</b> responded to chat requests within 30 seconds.	Consider chat as a means of reaching site visitors who aren’t yet ready to call. After all, 90 percent of U.S. Consumers find chat functions useful. <sup>6</sup> But beware: an unresponsive chat is worse than nothing at all.

<sup>4</sup> FindLaw Consumer/Customer research

<sup>5</sup> FindLaw Consumer/Customer research

<sup>6</sup> "Intelligent Engagement Increases eCommerce Sales," *Dydacomp Insider*, April 28, 2011

Anne's scenario, while hypothetical, is hardly exaggerated. In 2014, FindLaw conducted a "secret shopper" survey of more than 100 law firms throughout the country.<sup>7</sup> Posing as potential clients, callers contacted these firms to test their responsiveness. As mentioned earlier, the survey found that 33 percent of the firms contacted took more than 24 hours to respond to phone messages, or worse, never responded at all. When the "potential clients" got in touch via email or an online contact form, 50 percent of firms responded more than 24 hours later, if at all. In addition, another FindLaw survey found that **27 percent of the attorneys surveyed do not follow up with "undecided" leads**<sup>8</sup> or leads that don't make an immediate hiring decision and are still evaluating their options.

The volume of cases and clients law firms have to deal with can also lead to unintentionally dehumanizing potential clients. With all of Anne's responsibilities, she doesn't always have time to develop strong interpersonal connections with potential clients. This can lead to inattentive call screening or a clinical approach to intake. This creates a problem for Suarez Law, because legal consumers are easily alienated by such behavior.

Law firm marketing consultant Stacey E. Burke, JD, has examined firms' intake behavior across the country. Her research found that many potential legal consumers are put off by excessive rescreening, multiple points of contact and by law firm staff's insufficient welcoming.<sup>9</sup> These are all habits that firms and their staffers can fall into because everyone is simply too busy to focus on managing intake. Therefore, there isn't

an effective process in place to respond to leads efficiently and empathetically.

*“There was no communication and I think he was too busy... I was a minor thing for him. So I would not go back. For anything.*

*- Bankruptcy Prospect*

## WHAT IS GOOD INTAKE?

A good intake process converts consumers into clients. It serves the law firm by managing issues like data collection and case qualification while also aligning with consumer values and expectations. Put plainly, a strong intake process gets you what you need while also making your new clients feel good about their decision to hire you.

There are four areas where your firm can strengthen its intake process: urgency, empathy, data collection and tenacity. These four areas should be clear to all client-facing employees of your firm and adhered to in every interaction with potential and current clients.

### Urgency

Your active clients will always remain a top priority, but your next client is on the other end of that phone call, and he or she must hear from you promptly.

<sup>7</sup> 2014 FindLaw Secret Shopper Survey of 100 U.S. Law Firms

<sup>8</sup> FindLaw.com legal professional survey

<sup>9</sup> Stacey E. Burke Consultation

Urgency stems from the knowledge that leads move quickly to decide on a law firm. Everything from mobile web searches, online directories and even phone books make it easy for legal consumers to find and research attorneys at any time and in any place. In addition, FindLaw's 2014 U.S. Consumer Legal Needs Survey showed that 72 percent of attorney-seekers hired the first attorney they contacted, so by moving with urgency, you'll increase the number of contacts you receive.

Additional research from the survey revealed that more than three-quarters of consumers contacted firms by phone and 87 percent of those who chose to contact a legal professional ended up choosing to hire an attorney. All this suggests that, in most cases, potential clients are yours to lose.

While most clients say that email correspondence is acceptable once they've established initial contact with a law firm,<sup>10</sup> the point remains: You must answer your phone — or at least quickly return phone messages — if you're going to sustain and grow your business.

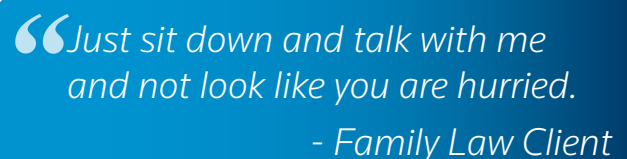
FindLaw's study also showed that more than half of consumers take legal action within one week of the event that triggered the need,<sup>11</sup> whether it was an injury from a motor-vehicle collision (like the one Thomas suffered), a family issue or a real estate transaction. At the same time, 49 percent of legal consumers expect a rapid response — within 24 hours or less.<sup>12</sup> As one of the surveyed consumers noted, "I would probably leave one message, then wait to hear back for a day or so, then probably call someone else" if there was no return call. Consumers act quickly to address

their legal issues, and they expect, and often need, a fast response from legal counsel.

At firms that have mastered intake, everyone (and that includes the attorneys) answers the phone as long as they're not meeting with a live client. Other best practices for effective telephone and message response from successful firms include:

- Allow no more than three rings before the phone is picked up, either by a staffer, an attorney or voice mail.
- Require half-day (or faster) replies on all lead emails received during business hours. Emails received between 8 a.m. and noon should get replies before the afternoon. Emails received from noon to 4:30 p.m. should be responded to before leaving for the day.
- Dedicate 8 to 9 a.m. each morning to replying to overnight emails and voicemails.

If these tasks prove too challenging, consider hiring a 24-hour answering service. They can make sure no call goes missed and alleviate the demands of managing the phone.



*“Just sit down and talk with me and not look like you are hurried.”*  
- Family Law Client

## Empathy

At its heart, empathy translates into providing good customer service. Empathy means

<sup>10</sup> FindLaw Consumer/Customer research

<sup>11</sup> FindLaw Consumer Legal Needs Survey

<sup>12</sup> FindLaw Consumer/Customer research, FindLaw.com consumer survey



understanding that people contacting you are typically going through difficult situations. It also means being polite and courteous, even if the caller seems upset or confused. If potential clients sense that you don't care about their situation, they will not be receptive to you.

Take Thomas. He's recently experienced an event that's left him in great pain, and he's uncertain how to proceed. He's never contacted a lawyer before and feels intimidated by the prospect of it and beginning the legal process. What he needs is not only strong legal representation but a good listener. As consumer respondents in FindLaw's research revealed, being listened to and cared about is one of the top considerations consumers use in evaluating whether to hire a law firm.<sup>13</sup>

That means actively listening to clients when they speak and conveying your understanding of their difficult situation. Expressing a desire to help him or her through thoughtful questioning will make your client feel more like an individual and less like another case. By practicing empathy, you're building a relationship with a potential client, and relationship building is essential to converting leads into clients.

At the same time, you should be honest about the merits of the case the caller presents. Potential clients value truth and honesty about the chances of success in their legal matters. Being straightforward with potential clients can help build their trust in you. Even if they decide not to hire you now, they may remember you as someone trustworthy to refer to their friends and family.

“Our secretary just, you know, asks them their name and, ‘What type of case is it?’

- Family Law Attorney

## Data Collection

Amassing information about clients or potential clients may seem like a sophisticated task, reserved for large businesses, but even in its most basic form, data collection can greatly improve your firm's intake process. Thorough, consistent data collection will help you gain a better understanding of:

- Vital demographic and case information about your leads.
- How leads learn about you, which in turn helps you refine your marketing and be more effective with your marketing budget.
- The characteristics of a high-quality lead or potential case.

Examples of general data all law firms should collect include contact name, address, phone, email address, the specific legal need, how the lead learned about the law firm (i.e., website, referral from a friend or another attorney, etc.). In addition, this information should list the time and date of the incident, if applicable; when the consumer wants to take care of the matter (case in point: a real estate transaction); and any other details that would help determine viability of a case or whether any conflicts of interest exist.

<sup>13</sup> FindLaw Consumer/Customer research

For example, you want to know how consumers are finding your law firm so you begin gathering this information from leads when they initially speak to your law firm. However, since your firm's attorneys and staff might not ask every lead this question, the data showing how people found out about your firm doesn't give the whole picture.

The key is capturing this crucial information consistently, efficiently and accurately. When data is not collected in a systematized way, it can lead to incorrect assumptions, and those can hinder the success of your intake.

To ensure that data collection practices are consistent from person to person, it's essential that your firm uses a standardized system. Even if that "system" consists solely of a spreadsheet, you should make it one that everyone can access and knows how to use. This limits the risk that data is lost or forgotten when moving information back and forth between staff. If for some reason it isn't possible for your firm to use a centralized system, your staff needs to make sure all information about a lead is sent to the appropriate people within the firm. There should also be one person at the firm who keeps a centralized repository of the documents that contain the data.

#### **Don't just collect. Analyze.**

Once your firm has built a statistically significant amount of intake data, analyze this information regularly. The relevant data points will vary for each firm, but those relevant to your marketing efforts will offer universally valuable insight. Looking for top referral sources and contact methods will often reveal which marketing channels are your most lucrative. Demographic

information and seasonality may also be useful in aligning your marketing efforts to high-yield audiences or regular calendar events that affect your caseload. Last, look at the quality of your intake data. If information gaps align with problem cases or challenging clients, you may have a reliable indicator of an ongoing customer service issue.

## **Tenacity**

No matter how prompt, empathetic and data-driven you are, sometimes the connection just doesn't get made. Some callers never answer your return call or seem impossible to reach. In these instances, tenacity is often the difference between a cold lead and a happy client.

It's important to note that tenacious intake is not hounding people. Your potential clients have reached out to you. Don't give up on leads that seem unresponsive. That lack of response might reflect overwhelming medical bills, emotional hardship or just the day-to-day aspects of life getting in the way of returning your call.

**Tenacity is often the difference  
between a cold lead and a  
happy client.**

Some staffers might feel uncomfortable on the phone or repeatedly calling leads, but even the most timid employee can practice tenacity when it's part of his or her regular routine. It's also true that you can act too tenaciously—to the point

of becoming annoying and pushy. Establish a baseline that ensures you make a certain number of calls before giving up, but one that also prevents you from becoming an annoyance to the lead. Record your stats for a month to determine what the average number of calls is right for your firm.

## BETTER INTAKE THROUGH STAFF TRAINING

You can tailor these four attributes of good intake to reflect the kind of experience you want to create for your firm's clients and prospects. In many cases, formal staff training may not be necessary. Simply implementing the practices and policies that feed your business might be sufficient. If you need formal training, there are many qualified companies and consultants that specialize in this area.

One final note: Training is never one-and-done. Whether a new hire or veteran staffer, everyone needs a reminder of best practices from time to time. At the very least, review your firm's policies annually. During performance evaluations, track your staff's performance on items like close rate, outbound call volume, inbound call volume, and so on, to determine areas for improvement and to identify intake leaders within your firm.

## PUTTING IT ALL TOGETHER

With all this in mind, we can imagine a more satisfactory outcome for both Thomas and Suarez Law. When Thomas leaves a message, Anne gets back to him quickly. Once she gathers

the additional information she needs from Thomas—information he didn't provide in his phone message—Anne shares this information with Ms. Suarez, who doesn't need to ask Thomas the same questions. It's a more efficient use of everyone's time, and it means faster service for Thomas.

The result: Anne feels as if she's truly helping someone in trouble and helping her firm grow. Thomas feels as though he's really being listened to. Suarez Law has earned another client—and, hopefully, another positive referral source, which in turn can deliver more clients. What might have been lost business has been transformed into a win-win-win.

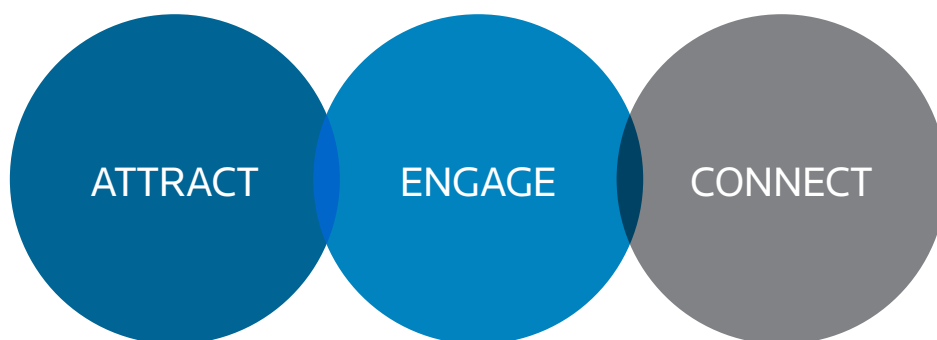
A strong intake process can provide a law firm with those kinds of triple wins. Devoting time to boosting your firm's customer service skills and lead management systems can pay off in increased conversion rates, more income, a strong reputation and an expanded network of happy clients referring your services.

## CONTRIBUTORS

This paper reflects the expertise and contributions of several individuals within FindLaw. Foremost among them, product innovation manager Tina Johnston. Sean Sands contributed editorial oversight while Mark Jacobsen provided leadership and guidance on the overall structure of the paper.

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