



**Customer-centricity, resilience and flexibility in the legal services sector: closing the gap between contemporary client expectations and law firms' ability to deliver, in the context of a chronically underfunded legal system**

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## Dedication

To my wife Naomi, may your ambition, strength, kindness and love continue to guide our marriage.

To my daughter Sofia, may you continue to bless the whole family with your smiles and laughter, strength in character and your spirit for life.

To my stepson Felix, the kindest young soul on the planet. Keep being you!

To my mother Pauline, for your continued love, kindness, guidance and comfort.

To the true gentleman, my step-father, Terry Walker. May you rest in peace 31/07/24.

To the great character and soul of the party, my dad Stewart. May you also rest in peace 05/09/24.

I am grateful for your love, support, encouragement and understanding when I decided to take on a PhD in addition to all our other commitments.

Thank you.

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## Abstract

The aim of this thesis is to identify and investigate the disconnect between contemporary client expectations and law firms' current ability to deliver on those expectations, in the context of a chronically underfunded justice system.

It goes on to explore strategies to close the gap, so law firms are able to not just survive, but thrive, despite the significant challenges to client experience posed by factors beyond lawyers' direct control. This is my reason for writing this thesis – our industry has so far proven unable to influence government into funding a justice system of the calibre we had four decades ago, so we must instead evolve our business models to mitigate the challenges of an ailing system, to deliver the quality of service and access to justice that our clients want and deserve.

Existing research has tended to avoid tackling the thorny topic of the degradation of the justice system, and there has also been less focus on the business of law. But with a tipping point now being reached, it is imperative that the legal services sector leaves behind tradition and concrete thinking, and finds a solution to move forward positively, for the sake of the profession and the sake of the general public in England and Wales.

Drawing on literature around customer expectation, the current state of the justice system, and cross-sector examples of best practice in business, this paper also uses a dual qualitative case study and interview methodology to explore real-life expectations and challenges – including client feedback, law firm owner questionnaires, and interviews with members of the judiciary, as well as best-practice business analysis and benchmarking – to set out real-life solutions pertinent to all high-street law firms.

The resulting conclusions – a framework of best practice – set out the ways in which law firms can develop and integrate strategies around people, places, processes and technology, to deliver what the customer wants and needs despite the limitations of the legal system context. It includes steps for becoming more responsive, more flexible, and more customer-centric, to ultimately become more resilient as a business.

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## Introduction

Consumer law firms appear to be failing their customers, if the horror stories heard by those within the profession – about others within the profession – are anything to go by. After more than two decades as a solicitor, and party to many such tales, I have come to the conclusion that often while the level of actual legal advice is perfectly satisfactory, the level of customer service certainly isn't. This has resulted in the industry getting a poor reputation, despite being good at what it does.

Today's private clients are far more likely to have high expectations of their legal services provider, they have more freedom of choice than ever before, and are also far more able to share any negative opinions far and wide, thanks to the power of the internet. As an industry we must consider what is currently lacking, and how this may be fixed, in order for the high street law firm to survive – the old standard of the family lawyer, serving generations of the same family through a combination of habit and trust, is no longer as relevant to today's market.

The challenge is that the (consumer) legal sector is far behind other professional services in terms of customer service, and extremely far behind the types of business that consumers will generally have had more experience of dealing with – and experience sets expectations. Of course, one key differentiator is that other professional services do not have to operate in the context of the legal system as it stands, which can hamper efforts to deliver optimal customer service.

The aim of this thesis is to identify and investigate the disconnect between contemporary client expectations and law firms' current ability to deliver on those expectations, in the context of a chronically underfunded justice system.

Naturally, with a topic of this huge scope there are limitations in terms of resource – it might take a team of researchers many years to delve into enough depth across enough firms, customers and members of the judiciary to come up with particularly rigorous conclusions – but my intention is to cover a broad enough section of the relevant parties that reasonable conclusions may be drawn.

This paper explores strategies to close the gap, so law firms are able to not just survive, but thrive, despite the significant challenges to client experience posed by factors outside lawyers' direct control. This is my reason for writing this thesis – our industry has so far proven unable to influence government into funding a justice system of the calibre we had four decades ago,

so we must instead evolve our business models to mitigate the challenges of an ailing system, to deliver the quality of service and access to justice that our clients want and deserve. And there is no pre-existing research which explores this challenge without a potential agenda.

Existing research has tended to avoid tackling the thorny topic of the degradation of the justice system, and there has also been less focus on the business of law. But with a tipping point now being reached, it is imperative that the legal services sector leaves behind tradition and concrete thinking, and finds a solution to move forward positively, for the sake of the profession and the sake of the general public in England and Wales.

Drawing on literature around customer expectation, the current state of the justice system, and cross-sector examples of best practice in business, Chapter 2 explores what existing research can contribute to the development of a strategy for law firms to fulfil their customers' wants and needs, and sets out the complexity of the context within which legal services providers must operate.

In Chapter 3, a combined stakeholder interview and case study methodology, explores real-life expectations and challenges, covering both the specifics of day-to-day law firm operation (and transformation) and whole-sector perspectives. This involves gathering qualitative data from customer feedback and interviews with both clients and industry professionals, while also looking at quantitative data from business metrics over the period of the case study transformation.

Chapter 4 offers an analysis of the findings from the research, to gain an understanding of the real-life problems pertinent to high-street consumer law firms, outlining areas of concern to direct possible solutions, and proving the efficacy of business transformation in terms of improving the customer (and staff) experience, to achieve sustainable growth.

The resulting conclusions in Chapter 5 set out the ways in which law firms can develop and integrate strategies around people, places, processes and technology, to deliver what the customer wants and needs despite the limitations of the legal system context. It includes steps for becoming more responsive, more flexible, and more customer-centric, to ultimately become more resilient as a business.

## Literature review

One of the biggest challenges of tackling a topic as vast and complex as the disconnect between contemporary client expectations and law firms' abilities to deliver upon them, in the context of a chronically underfunded justice system, is the sheer volume and diversity of the literature required to evidence the current picture of knowledge.

In this literature review I have gathered existing research, along with published viewpoints, news stories and social media resources, to illustrate the existing knowledge on customer expectations, how they might be set and how they might be shifting, as well as what may be deduced about how buying decisions are made; the context of the legal system challenges that impact on the law firms themselves, and both directly and indirectly on their customers; historic conventions around the way law firms operate, and also how modern business practice has evolved.

When considered together, with the original research that helps to fill the gaps and provide updated learnings, the literature review provides the basis of a blueprint of best practice for law firms, which enables them to not just survive but thrive in a difficult professional and economic climate – while simultaneously ensuring a better customer experience, with improved access to justice and quality of service.

## Search strategy

In terms of approaching the search strategy for this literature review, it was necessarily built around three key aspects: client expectations, historic convention and the legal system today, and opportunities within contemporary ideas about business practice and transformation.

Each of these broad pillars was broken down into themes, and both internet and library searches undertaken using appropriate keywords, following through to any relevant sources cited within the initial material discovered, as well as searching using further keywords inspired by relevant phrasing found.

I did not search for American terminology or variants of keywords, since my thesis is focused solely on the UK legal system and services, although I did use synonyms, related terms, acronyms and abbreviations, and different word endings and plurals. I also considered both professional terminology and that more likely to be used by the average consumer.

An illustrative example is included below:

Table 1: Search keywords

Pillar	Theme	Keywords
Client expectations	Legal understanding	Public legal education
		Consumer legal knowledge
		Consumer legal advice
		Legal literacy
		Legal capability
	Expectations of quality / cost / outcome	Choosing legal services
		How to choose a solicitor
		Consumer decision-making
		Quality indicators legal services
		Customer satisfaction legal services
		Legal services value
	COVID-era revolution in thinking	COVID digital transformation
		Pandemic consumer trends
		COVID technology uptake
		Pandemic mindset change
	Generational differences	
	Generation X / Boomer / Millennial / Gen Z values	

Client expectations	Generational shifts in attitude	Generation X / Boomer / Millennial / Gen Z buying behaviour
		Digital native buying behaviour
	Impact of other service experiences	Decision-making heuristics
		Buying decisions about complex services
		Cognitive biases
		Buying decisions insurance
		Buying decisions financial services
		Marketing professional services

I did utilise the Boolean operators AND and OR, although I avoided the NOT operator, in case it excluded relevant results. Phrase searching also helped me to avoid unrelated results. I also used parentheses to work systematically to cover the broadest possible scope, using synonyms, for example: (“buying decision” OR choosing OR choose) AND (“legal services” OR lawyer OR solicitor). I also performed the same searches to reveal insight from other related sectors, so in relation the last example, I also searched (“buying decision” OR choosing OR choose) AND (insurance OR bank OR “professional services” OR “financial services” OR accountant).

Significant breadth of research sources was required to ascertain existing knowledge across both academic and business spheres, and the factors affecting the status quo of the legal system. Academic papers, sector-specific resources and news/opinion articles were all examined in this way, across databases including Lexis+, Hansard, JSTOR and Academic Search Ultimate, plus a number of news platforms and websites for industry-specific bodies, services, and business consultancies:

Table 2: Online source

Todaysfamilylawyer.co.uk	Lawgazette.co.uk	Lawforlife.org.uk
Gov.uk	UKdataservice.ac.uk	Thelegaleducationfoundation.org
Legalservicesboard.org.uk	Lawworks.org.uk	Instituteofcustomerservice.com
Gartner.com	FCA.org.uk	Thomsonreuters.com
Lawsociety.org.uk	Worldjusticeproject.org	Legl.com
McKinsey.com	Deloitte.com	Thetimes.co.uk
KPMG.com	Accenture.com	IBM.com
Bbc.co.uk	Thelawyer.com	Sra.org.uk
Pwc.co.uk	Ucas.com	Forbes.com
Ft.com	Legalfutures.co.uk	Inhousecommunity.com
Oshapedlawyer.com	Bloomberglaw.com	Theguardian.com
Newstatesman.com	Standard.co.uk	Barcouncil.org.uk
Microsoft.com	Legal500.com	Counselmagazine.co.uk
Telegraph.co.uk	Linkedin.com	Lawyer-monthly.com
Hbr.org	Nao.org.uk	Statista.com
Lag.org.uk	Nearlylegal.co.uk	Barstandardsboard.org.uk
Cps.gov.uk	Independent.co.uk	Legalcheek.com
Commonslibrary.parliament.uk	Victimscommissioner.org.uk	Justiceinspectrates.gov.uk
Cityam.co.uk	Acso.org.uk	Legatics.com
Cilex.org	Thesecretbarrister.com	Edelman.com
Economist.com	Lpmmag.co.uk	

There were occasions when relevant articles and web pages indicated further resources (on both the same and other sites) that might provide more detail; where this was the case I followed the links to evaluate the usefulness of these further resources, including them in the body of literature where relevant.

To refine down the huge number of search results into those most relevant to my topic, I followed the PRISMA 2020 (Page et al., 2021) flow diagram: the identification, screening, eligibility and inclusion phases helped to ensure that the resulting resources were both relevant and more manageable in number. I discarded any results relating to the legal system which were older than ten years old, and noted where more recent resources were available (for example, surveys repeated annually, or reports on government consultations and activity).

The breadth of my topic was of course reflected in the breadth of the results returned, with some 500 plus articles, papers and surveys identified as pertinent and useful.



## Literature review: client expectations

In order to explore the disconnect between client expectations and law firm service delivery that appears to be endemic, we must first pinpoint what those expectations might be, and the factors involved in the setting of those expectations.

### How legal understanding (or lack of it) impacts customer expectations

To consider customer expectations around legal services, we must put them in context.

Expectations cannot exist in a vacuum, but instead are guided by knowledge, experiences and assumptions (Olson et al., 1996).

The British public does not, for the most part, understand the British legal system; in my experience this appears to be the case for both corporate and private customers. There is no pre-existing study into the differing levels of awareness within a varied customer base, however. This general lack of knowledge is clear to both the legal profession and – when they find themselves in the position of suddenly having to deal with a legal problem – the customer themselves. It's also indicated in a significant body of evidence that many people in the UK do not have enough knowledge of the law or the legal system to know how it might affect them, and what to do if they have a contentious legal problem, or possibly even to make informed choices if they require non-contentious legal services.

Even those who try to make up for their gaps in legal knowledge through research could find themselves not much better off; Edelman's *Trust barometer 2021* indicates that fewer than one in four people have good information hygiene. This difficulty in accessing dependable information about the legal system is illustrated by the quickest of browses on social media, where pages such as 'Family Lowdown Tips and Ideas' often contain posts asking for advice on legal issues, and a glance at the comments highlights how disinformation can be so easily spread. It's no surprise, therefore, that the SRA has recently published a corporate strategy which is focused on enhancing confidence in legal services (Solicitors Regulation Authority, 2023).

It's also worth noting that both consumer and B2B clients do not perceive much quality difference between regulated and unregulated legal services, according to SRA research, and although 87% would opt for the regulated services where fees were similar, it also showed that consumers perceive unregulated providers as more affordable, so the economic turndown could see greater numbers turning to these service providers (Hyde, 2023).

## Legal literacy

The Public Legal Education and Support task force (2007) estimated that one million civil justice problems go unresolved each year due to a lack of understanding. This is despite the introduction in 2013 of a Department for Education national curriculum citizenship programme for Key Stages 3 and 4, which includes being taught about “the nature of rules and laws and the justice system, including the role of the police and the operation of courts and tribunals,” (DfE, 2013). Admittedly this compulsory education will only impact those born in 2003 onwards, so it will take some time to translate into a majority of adults having been given the appropriate grounding, but at least some kind of start has been made.

In 2010 and 2012, the UK Civil and Social Justice Panel Survey (Plesance et al., 2011; Balmer, 2013) sought to provide a “large-scale overview of the public’s experience of civil justice issues and successes in seeking justice when addressing them.” An analysis of these reports by Law For Life (Wintersteiger, 2018) concluded there was a substantial lack of knowledge around legal rights, with only 59% of people able to demonstrate some understanding of their rights; and only 25% of people claiming to know their legal position completely.

Almost a decade later, the Legal Services Board (LSB) published a literature review on the *Effectiveness of public legal education initiatives* (Wintersteiger et al., 2021) cited that 3.6 million adults a year have an unmet legal need involving a dispute, which appears to indicate some significant increase compared to the PLEAS figure, although it must be noted that ‘civil justice problems’ and ‘unmet legal needs involving a dispute’ are not directly comparable.

The review goes on to cite findings from the LSB’s previous year’s report, *Reshaping legal services to meet people’s needs* (2020) “which demonstrated the strong link between legal capability and unmet legal need. It found that people with low legal capability are less likely to get professional help, are less satisfied with the service they receive and are less likely to feel the outcome was fair.” This chimes with the assertion at the outset of this section that expectations (which are what satisfaction is benchmarked against) are intrinsically linked to knowledge.

These findings make for sobering reading for legal sector insiders. They see, on a daily basis, how this lack of legal literacy translates into the escalation of issues that might have been concluded at an early stage, lack of efficiency, higher costs, longer court backlogs, and greater levels of stress all round. Some progress has thankfully been made, although more in the planning than the execution so far.

Solicitor General Robert Buckland KC MP established an All-Party Parliamentary Group on Pro Bono and Public Legal Education in 2017, and in late 2018 published a vision statement and briefing

paper on public legal education (APPG, 2018), setting out the next decade's worth of goals. This concise paper sets out a strategy for improving both public understanding of legal issues and access to legal information and advice. Proposals included making citizenship education statutory for primary as well as secondary children – the citizenship programme for KS1 and KS2 is currently non-statutory (DfE, 2015) – and an increased responsibility for OFSTED to assess how well schools prepare children for life, and a legal element to a new basic curriculum subject called 'Relationships and Sex Education and Health Education'. Since this point, however, it appears nothing much has actually changed in terms of actual opportunities for PLE.

### **Making legal service choices without a foundation of understanding**

The British public's lack of knowledge around the legal system must logically be central to their expectations regarding legal services. Put simply, if they do not even understand what it is they are buying, or even sometimes whether they should be buying it or where they might buy it from, they cannot make logical, considered buying decisions, and cannot develop their expectations from an informed position.

Instead, it appears most likely that both business decision-makers and individual consumers looking to choose a legal services provider will rely on what they do know: recommendations they have been given, either by friends, colleagues or through online research (LSCP, 2023; Keller, 2001; Institute of Customer Service, 2022; Albro, 2019). It is also perhaps less likely they will compare like with like – especially if they have not purchased legal services before – and instead conflate product and other types of service offerings and customer experiences.

But there is no current research which can confirm this hypothesis when specifically applied to legal services.

### **What do we know about how people buy legal services?**

There is a huge body of work on the topic of consumer decision-making, generally speaking. Cox, Granbois and Summers' Five Stage Model (1983) is considered to be one of the most common, breaking the process down into five basic steps: recognition of need, information search, comparison of alternatives, purchase, and post-purchase evaluation. However, the earlier model devised by Howard and Sheth (1969) demonstrates greater complexity, showing how the customer journey can be influenced by a significant number of variables encountered along the way.

While such models are without doubt useful at a basic level, they do assume a level of rationality that simply is not borne out in the real world. In the 1980s, a raft of theorists suggested that actual consumer decision-making processes are more adaptive and opportunistic than 'rational' models, with analytical methods sometimes being abandoned in favour of heuristics (Alet, Boshoff &

Rousseau, 2010). Solomon (2017) explained that consumers deploy a variety of decision-making strategies depending on the situation: what they are buying, when and where, informed by previous experience.

Du Plessis and Rousseau (1999) noted that, in general, consumers devote more time and effort to making purchasing decisions when there are higher social, personal and financial risks involved; legal services might certainly fall under this category. However, in today's time-poor age, with the aforementioned lack of legal literacy and a complex decision to be made, it is to be suspected that heuristics come into play – with the perceived safety and quality of a recognisable brand, or a personal recommendation from a trustworthy contact providing a satisfactory shortcut to making the 'right' decision.

This heuristic-aided decision-making process ties in with Kahneman's System 1 way of thinking – a fast, automatic approach which harnesses intuition – while System 2 thinking applies more to the research-heavy, analytical mode, which is much slower and more logical (Kahneman, 2011). It's important to note that these systems work in tandem, that both may be biased, and both can make errors. It's also notable in the fact that this theory underpins the idea that asking customers what they want is a flawed approach – likely, being unaware of some of their systems of thought, they will be unable to accurately pinpoint what motivates them in their decision-making.

Legal Services Consumer Panel Tracker Survey

There may be no pre-existing detailed research into precisely how customers make buying decisions about legal services, but there is some about the decisions that they make, and how satisfied they are subsequently. The *Legal Service Consumer Panel (LSCP) tracker survey (2023)* can offer some insight here, although it does seem likely that it has been designed to support Legal Services Board objectives. In summary, its findings include that shopping around for legal services has increased, that it has become easier to find out information about costs and quality, and that more people agree they have a wide choice of providers. The top three reasons for choosing a provider all hinge around recommendation of some kind, which is in line with previous years' surveys – 'I/my family member had used the provider before' (22%, the same as in 2021 and 2022); 'Recommendation from family/friends (14%, up from 11% in 2021, but down slightly from 15% in 2022); 'Referral by another organisation' (12%, down from 15% in 2021, but the same as 2022).

Almost all consumers were confident in the choice they made (92%), while satisfaction levels varied with service; satisfaction with value for money remained highest with a straightforward service such as will writing (79%). Least satisfied were consumers using conveyancing services (65%). This might suggest that the level of impact on the consumer's daily life might have an influence on value satisfaction, since delays or issues in the conveyancing process have a significant and obvious

knock-on effect at a stressful time in people's lives (YouGov & The Physiological Society, 2016; Holmes & Rahe, 1967), whereas the services with the highest satisfaction have least impact on consumers' daily lives.

It's worth being aware, however, that all participants are members of an online panel, so there is an element of self-selection, plus the views and experiences of people who are not computer literate will have been missed out of the findings. The age spread does weight heavily towards the 55+ group, although this is perhaps a symptom of the self-selection into the online panel, and maybe its size reflects the broader range of ages in this category (the other groups span a maximum of 9 years, whereas 55+ may cover at least three decades, perhaps more).

The Tracker Survey does offer some useful insight into the market. There is however less focus on the detail that would be useful to law firms designing the optimal consumer offering: what complex factors are involved in buying decisions, how important brand perception might be, the quality of initial customer service experiences, exactly how decisions sit in the context of the type of legal services being sought, and more. This is not surprising, however, since the purpose of the LSCP survey is to benchmark the industry against its previous standards, rather than to paint an up-to-date picture of the market which can be used for business strategy purposes.

It is also worth bearing in mind that some legal services providers are unregistered, and this may enable them to offer something that solicitors cannot due to compliance restrictions. For example, online will-writing services may be affordable, easy to understand, and deliver on contemporary expectations of customer service and value – however, the customer may not understand that they have ended up with a will that is not of the same quality as would have been supplied by a lawyer. Similarly, it would also be revealing to consider satisfaction during a case, as this would be more of an indicator of customer service. However, satisfaction while a case is ongoing might be low because of the slow running of the courts, which is outside the lawyer's control. This complexity does not appear to be reflected in the LSCP tracker survey's analysis.

#### Consumer decision-making in comparable sectors

Given the lack of sector-specific intelligence about consumer buying behaviour, we can look to other industries in which consumers must make buying decisions about complex products or services, such as finance. It is however worth bearing in mind that in financial services customers do tend to have more touchpoints with the brand, leading to greater familiarity and trust, because mortgages tend to be reviewed regularly, or an accountant / IFA will review on an annual basis at least, whereas legal services tend to be a less frequent (and often distress) purchase.

Mortgages may arguably be a much simpler product to buy than legal services, but we still see a significant use of heuristics in decision-making. For example, the Financial Conduct Authority's (FCA's) 2018 *Strategic review of retail banking business model* revealed that more than 30% of UK customers with a personal current account had their mortgage with the same lender that provides their current account. And this is in a market in which there are expert independent advisors able to act as intermediaries and offer support in the decision-making process, as well as the high levels of price dispersion in the marketplace – the rewards achieved by market review are significant.

Ischenko (2020) looks at the role brand loyalty plays in consumer decision-making, and cites the attention that brand loyalty is given in marketing literature and in economics, before positing three possible drivers for the consumer: habit, ease, and the fact that switching is only considered worthwhile when the default option seems sufficiently unattractive.

Ischenko also distinguishes between two types of borrowers, those with lower and those with higher financial sophistication – with the former being less price sensitive and more prone to inattention, despite being on a lower income and therefore more impacted by not being on the best deal. As this study has a very narrow focus – specifically looking at the relationship between mortgage and current account brands in non-intermediated borrowers – splitting consumers into two groups seems sensible, though in a more complex marketplace such as legal services we might expect to see much more segmentation.

Interestingly, both borrower types expressed a preference for their 'own' lender with which they have a current account: "Both types of consumers, trade off borrowing cost savings of up to 5% of post-tax income for going to a lender with whom they have an existing relationship." Familiarity holds strong sway.

One takeaway from the conclusion, which has clearly transferable implications for the legal services market, is that focusing on individual markets is less revealing than considering the consumer's portfolio across product lines. In the legal sector, this might translate as brand familiarity holding weight whichever legal services are sought.

The insurance industry also demonstrates how consumer decision-making about complex products might be flawed. The European Commission's *Study on consumers' decision-making in insurance services: a behavioural economics perspective* (2017) discovered that behavioural biases and lack of time and effort to compare choices led to consumers missing out on the best deals. Similarly, the FCA paper '*Applying behavioural economics at the Financial Conduct Authority*' (Erta et al., 2013) sets out some of the reasons behind why this sector is prone to consumer choice errors, including the complexity of products, the long-term nature of some decisions, the requirement to assess risk

and uncertainty, the impact of emotions including stress and fear of losses, and the infrequency of decisions meaning there is little opportunity to learn from past mistakes. All of these could just as easily apply to legal services decisions. The paper also details ten relevant cognitive heuristics which reduce the effort involved in making a considered, logical decision – and they can all be applied in some way to the decision-making process when choosing legal services.

#### Buyers of B2B legal services

There is some research relating to B2B legal services, although not a significant amount. What drives business buyers of legal services has only become a topic of research over the past few decades, and has emerged mostly from the business consultancy sector, likely paid for by marketing budgets, although there are some academic theorists who have tackled the topic.

Patterson, Johnson and Spreng (1997) noted that professional services are difficult for a company decision-maker to evaluate owing to their complex nature; despite the B2B context there is some bearing on consumer experience in buying legal services that may be deduced – if time-served business people find it difficult to evaluate with confidence, then the average person on the street is likely to face an even bigger challenge.

The Thomson Reuters *Regional law firm brand index* (2022) indicates which firms have shown themselves to best meet their clients' expectations. Clifford Chance topped the results (a climb of eight places compared to 2021) for "standing out in the market for its ability to combine a reputation for handling high-level work, technical speciality, and a genuine client-focused approach to finding solutions." Other successful tactics outlined included "[emerging] as a strong partner in clients' eyes to guide them through uncertainty and help them maximise opportunities", "[a] focus on investing time and energy into building a business-savvy approach to the market", and the "ability to understand clients' businesses as [the law firm] works to develop and deliver commercial solutions." Put simply, becoming client-centric is the key thread in commercial law firms' success, and as in this aspect consumers differ little to executives, it should be a tactic employed by consumer legal services firms also.

However, while we may extrapolate from these studies and piece together an awareness of what we think influences consumer decision-making when choosing legal services, there is no substitute for conducting research within the consumer base in question.

#### Expectations around quality, speed, cost and outcome

Ask business owners in any sector and you will likely find they have a vague sense that customers have gradually become more demanding, and that there has also been a COVID-related acceleration

in the past couple of years. But what is the evidence for this uplift of expectation, how might it manifest, and why might it be the case?

Without much prior experience of buying legal services, it's likely the majority of consumers will employ their previous knowledge of buying other products and services – and they may do so without realising that they are using their experience of buying apples to inform how they purchase oranges. With this in mind, it's perfectly valid to look at how customer expectation has shifted over the past few years in all kinds of purchases, not just legal services. This breadth of view is also important since there are relatively few studies which investigate customer expectations in the legal sector specifically.

### Customer expectations within the legal sector

Consumers typically instruct a legal services provider at a stressful time in their lives: getting divorced, moving house, applying for a visa. Some may not even identify their problem as a legal one, and seek advice from trusted figures outside the legal profession – friends, family, or perhaps a doctor (Mayson, 2020). Some may be concerned about cost, and may feel reluctant to seek legal advice and assistance (The Law Society, 2020). Add to this that it's not the sort of purchase made frequently, plus the fact the legal system is complex and unfamiliar to the majority of consumers, and customer expectations might be difficult to gauge as there are so many variables involved (not all of them logical).

Additionally, it's easy for legal professionals – so immersed in the system – to forget what consumers don't know, which can lead to misconceptions. Given that a lawyer's trustworthiness and empathetic abilities are instrumental in consumer choice (Remus & Levy, 2017), the ability to remember what it's like to lack legal knowledge, and communicate accordingly, is a key skill for legal professionals.

Some qualitative and quantitative research has been done into consumer experiences and confidence in using legal services.

The World Justice Project's report *Global insights on access to justice* (2018) found that 63% of adults had experienced a legal problem within the previous two years, and a huge 93% did not turn to an authority or third party to help with resolution. The figures around knowing where to go for advice, and the eventual outcome, all suggest low levels of awareness and confidence when it comes to seeking professional support for legal problems. Satisfaction was relatively low, also, particularly in the group whose issue was unresolved – perhaps this may be explained by the fact that satisfaction levels are likely to have had as much to do with how satisfied they were with the outcome, rather than necessarily with the level of service they received.



A 2019 survey of the legal needs of individuals in England and Wales, jointly commissioned by the Law Society and the Legal Services Board and undertaken by YouGov (2020), discovered a markedly similar level of legal problems in the UK, with 64% of adults having experienced at least one legal issue in the previous four years (53% contentious, 27% non-contentious). The report also shed light on the fact that low levels of legal confidence and low perceptions of access to justice are associated with being less likely to obtain professional help, to the extent that only 16% of people described their contentious legal issue as a 'legal' problem. Perhaps unsurprisingly, the survey revealed that people who successfully get help with their contentious legal issue are more likely to feel the outcome is fair (66% v 53%), and better than they had hoped for when the issue first started (21% v 13%), but of course this increased satisfaction hinges on knowing they have a legal problem in the first place, so they might seek professional assistance.

Barriers to accessing legal assistance appear to be partly financial, but also significantly based upon perception of outcome or a lack of knowledge about legal problems and how they might be solved, tying in with research on low levels of legal literacy (IRN, 2020; Wintersteiger, 2018; Wintersteiger et al., 2021).

Legl, the data and operations platform for law firms, published their *Consumer trends in legal services report: what do consumers want from law firms in 2022* (2022) to position themselves as a 'helpful expert' for law firms, offering insight into trends in consumer behaviour as part of their content marketing strategy. Naturally, as a marketing asset this document has an objective beyond simply revealing useful data – and there is a slant towards promoting the use of technology as a result, and there was a slight disconnect between the statistics delivered and some of the statements made about them – but that does not make the findings any less valid. Most interesting was the finding that law firms are largely considered digital laggards, although it is unsurprising that the conclusions of this study support investment in sector-specific technology, as per the objectives of this marketing literature, but nevertheless it speaks to the demand from the consumer to access legal services in a way that is as easy and convenient as the way they access other services digitally.

## The COVID-era expectation revolution

In spring 2020 we encountered a global pandemic which revolutionised the way we work, shop and live. Periods of lockdown meant most organisations had to implement some kind of business continuity plan, and both marketing and purchasing of goods and services had to be carried out remotely (McKinsey, 2021).

The increasing use of digital services and online ordering shifted market power from suppliers towards the customer (Pires, Stanton & Rita, 2006), and this accelerated a trend of consumer digital

empowerment that was already in train pre-pandemic – customers want what they want, when they want it, for the right price, and they want it to be easy.

Businesses of all kinds had to become digital and customer-centric overnight, in the midst of a complete reimagining of their operational functions. Next-day delivery became widespread, even small local businesses offered some kind of delivery option, restaurants pivoted to the takeaway model – even schools went online to try to maintain educational progress. Quite early on there was evidence that this digital adoption acceleration – five years' worth within just eight weeks, according to McKinsey (Baig et al., 2020) – would not revert significantly post-pandemic.

The traditional sales mantra of 'make it easy to buy' was pushed to its limits, especially during a time in which consumer trends were driven by self-protection (KPMG, 2020) and raised expectations of service and alignment of brand values with consumers' own (IBM Institute for Business, 2022).

An Accenture survey (Curtis et al., 2021), noted a number of changes in consumer attitudes to buying goods and services, including higher demands in terms of service and brand experience and more understanding of personal circumstances and concerns, as well as faster response times and more ease and convenience facilitated by digital means. Trust and reputation became an even more significant factor; consumers want to see a positive societal impact, from companies who do the right thing and not just the most profitable thing.

The report goes on to advise brands to re-engineer (to ensure pandemic-influenced products and services are financially sustainable, to protect and build their customer base), reimagine (scale and innovate offerings to drive true differentiation), rethink (identify where experiences and concessions are less meaningful post-pandemic, and how investment can be redeployed) and recalibrate (some existing consumers may be willing to pay more, so consider a premium tier of services).

Having acclimatised to improvements in convenience and customer service during the pandemic, it is unlikely that consumers will revise their expectations downwards now that the pandemic impact is receding.

## **Generational shifts in attitude**

While discussing attitudes to buying decisions and customer expectations, it would be remiss not to consider generational differences – it is not only character which can influence these aspects (Niosi, 2021), but life experiences too. This is why the previous tendency of marketers to segment by age became less common in the early 1990s (Chaney, Touzani & Ben Slimane, 2017). Characterising

generations into broad categories may not be an exact science, but it can help us to identify trends in thinking, which can inform business decisions, and in turn better fulfil expectations:

- The Baby Boomer (1946 – 1964) post-war generation came of age during a time of massive social change, including the Cold War and the counter-culture of the 1960s (BBC). They are known for their work ethic and are committed, self-sufficient and competitive (Tapscott, 2008).
- Generation X (1965 – 1976) grew up in a time where technology was advancing quickly, so they can remember the analogue age too. They are resourceful, logical, and good problem-solvers (Tapscott, 2008).
- Millennials (1977 – 1995) are the first digital natives. They are extremely self-sufficient – thanks to the internet offering the opportunity to self-teach – plus they are confident and curious. They are not averse to questioning authority, which can lead older generations to perceive them negatively (Tapscott, 2008).
- Generation Z (1996 – 2015) has never known a life without tech, and they are ambitious and confident (Tapscott, 2008).

The advent of technology is a significant differentiator in the experiences of different generational groups, and is perhaps one of the biggest influences on attitudes to decision-making, finding information, and customer service. As Don Tapscott explores in his book *Grown up digital* (2008) digital natives have no pre-digital experience to draw on and are used to independent control and instant gratification. In addition, their expectations are high given their broad common characteristics – the ‘eight norms’ of freedom, customisation, scrutiny, integrity, collaboration, entertainment, speed, and innovation.

This is especially true of Gen Z, who are true digital natives (Francis & Hoefel, 2018). Millennials, too, have remarkably similar concerns and characteristics, having also grown up with technology as an integral part of life (Deloitte, 2022).

As consumers, the net generation is far from passive. Marketing must be approached on a relationship basis, rather than via standard advertisements, as this generation is adept at filtering out commercial content, and expects an interactive experience with brands. In addition, digital media, skills in discerning facts from fluff, and the importance of integrity, not to mention the power of peer opinion, means testimonials are key (Tapscott, 2008). Companies wishing to court Net Geners also need to keep ethical and environmental considerations front of mind, as they will be judged on them.

## Impact of other service experiences

Where consumers haven’t used legal services before (or have only used simpler services such as will writing or conveyancing), they might draw on experience of buying other complex professional

services or perhaps financial products (which are also complex purchases which many may feel are outside their purchasing decision comfort zone). This means that other sectors help set expectations of legal services providers.

With financial and other professional service sectors arguably more digitally mature than the legal services sector (Easen, 2021), it follows that expectations of consumers may rank higher than many legal services firms can deliver. For example, banking can now be done almost entirely digitally, whether on a desktop or on a mobile device app, and figures show how the number of people in the UK using online banking has grown from 32% in 2007 to a huge 93% in 2022 (Boyle & Pennarts, 2022). Most banks offer this service, the same cannot be said for law firms.

In addition, becoming attuned to the ease of getting what they want digitally on a daily basis – “45% of British consumers are more likely to shop with a merchant if next-day delivery is available at the point of purchase,” (Worthington, 2021) – be it groceries, digital media or products of all varieties delivered to their door within 24 hours, or, in some areas, the same day (Nazir, 2021) – affects expectations of what constitutes a good buying experience. Indeed, the ease of online and omnichannel shopping during the pandemic has demonstrably raised consumer expectations, with 58% of people saying that their expectations were higher than they had been a year previously, while becoming less forgiving, with 68% saying that one bad service experience would reduce their loyalty (Talkdesk, 2021).

With expectations being influenced by the offerings of firms in other sectors, who are perhaps decades of digital transformation ahead, the legal services industry must rise its game to meet, let alone exceed the expectations of its customers.

## Literature review: legal system

After exploring the factors which might influence consumer decision-making and expectations, we must consider what the status quo is in the legal sector to discover why it might be that the fulfilment of customer expectations is being hampered.

### Historic convention

There must be few people acquainted with the legal sector who wouldn't say it is traditionalist in its outlook, and has been slow to respond to change in the marketplace (*The Lawyer*, 2020). For the most part, lawyers' careers have followed the same trajectory, and the day-to-day servicing of clients has changed little over the years, even in the context of significant changes in society and the rapid technological innovation we have seen during that time. Doing things the way they have always been done has meant that lawyers have been left behind; customer expectations have evolved well past the service that is currently on offer by many providers of legal services (Goodman, 2022).

### Law firm structure and culture

Since the Partnership Act of 1890, law firms have largely been based on a partnership model, with alternative business structures only possible after the introduction of the Legal Services Act as recently as 2007. This long-held tradition has been considered to have kept law firms from evolving until quite recently.

Professor Stephen Mayson (2012) characterised the 'grand delusion' of the legal market in the post-crash climate, identifying the traditional partnership model as flawed. Not so much its theory, but certainly its common implementation. He also makes the point that the essence of the idea of 'partnership' is misconstrued; one might infer because it is easier and more pleasant for individual partners than it would be for them to operate in textbook fashion.

This failure to operate in the interests of the firm may not all be down to the self-focused pursuit of net profit, however. Numerous cognitive biases can impact strategic decisions: risk perception, overconfidence, differing cognitive styles, cognitive conflict, cognitive diversity and comprehensiveness, framing bias, interpersonal conflicts, illusion of manageability and focus on limited targets, perceptions of the environment, illusion of control, and organisational learning (Acciarini et al., 2021). The number of biases alone speaks to the complexity of team-made decisions, whether by a Board or a partnership.

To add to this complexity, the traditional partner structure has led to decisions being made by committee, by experts in law (who may lack experience and knowledge across sales and marketing, operations, finance, HR and IT); this tends to not only slow the decision-making process but fails to

exploit specific expertise in modern business practice. While partnership models are not necessarily obsolete in the legal sector's future, it seems unavoidable that the way in which they are run needs to fundamentally change in order to realign focus onto fulfilling the consumer's needs and wants.

There has been a shift in more recent times, however. Solicitors Regulation Authority figures (2023) show that only 12% of firms were now following the partnership model (down from 33% in July 2010). The dominant model now is the incorporated company (54%), with 17% being made up of sole practitioners, and 16% limited liability partnerships. Also, the legal services sector now comprises quite a wide range of differently sized organisations. PwC's research (2022) states that around 35% of the market is accounted for by the Top 10 legal firms, 40-45% of the market by mid-tier firms (11-200), and a long tail of around 9,600 firms from high street solicitors to private practitioners, which accounts for the remaining 20-25% of the market.

### Focus on legal excellence

As just stated, one key problem is that those traditionally in charge of law firms – lawyers of some seniority – have a strongly legal focus rather than a business one. It's also common for lawyers, with this straitened focus, to conflate 'success' with 'being an excellent lawyer'.

This tendency is unsurprising when routes to qualification have always focused on the law, and even in current times don't often include modules on the business of law or customer service. Indeed, the compulsory LLB subjects comprise criminal law, law of torts, the law of contract, property law, equity and trusts, constitutional and administrative law, and EU law. It's common to find that all the optional modules are centred around parts of the law, too, with only joint honours degrees in law and business offering the sort of balanced insight that would be useful to the next generation of legal services business leaders.

At the time of writing, the UCAS search function only lists 519 first-degree courses for the terms 'law and business', compared to 1,777 first-degree courses in 'law'. However, there are not even this many. It appears impossible to separate the 'business law' courses from the 'business and law' courses listed by the search function, or even 'business' courses. Of the 519 there are in fact many that are not really 'business and law' but a variety of other dual honours options with other subjects. A manual count through the search results reveals just 98 courses that might fit into the 'business and law' category – and of those, a number are variations of the same degree from the same institution, with differentiations including an additional placement year, year abroad, or foundation year.

These law-centric routes to qualification can also introduce a bias within the people that the legal profession attracts – logically, those who are academically minded and keen on assimilating the

knowledge about, and ability to work with, the law. The UCAS website explains that law degree “entry requirements range from BCC to AAA [at A level], with universities and colleges most commonly asking for ABB,” bearing out the requirement for high levels of academic competence. In Thomson Reuters’ study (Maslen, 2019), which asked law students about their expectations and concerns regarding their careers, respondents were “excited by a career that offers them challenges and variety,” giving them “a sense of personal achievement” while carrying out “meaningful and satisfying work.” Arguably, these are people who want to excel at what they do, and for the most part having chosen courses that are very much focused on the law, it is the law at which they wish to excel.

There are, of course, now alternative routes to entry into a legal career (discussed in more detail in ‘5.5.4’ Training), which will start to turn the tide, but the weight of tradition still appears to sit heavily on many firms and prospective lawyers.

Recruitment processes, too, traditionally hinge around academic excellence, and not so much on soft skills or business acumen (Cohen, 2020) – although in recent years this has begun to change in some firms, mostly larger ones, where newly created roles encompass legal knowledge and business skills (particularly those relating to technology and innovation). There is plenty of research to be found on aspects of recruitment such as salary levels and headcount movement, but precious little – understandably, given that firms don’t want to give applicants the knowledge to game the system, or competitors an inside track on how their processes work – on the nature of recruitment practices throughout the industry. With little literature to review on the subject of industry recruitment practices, an alternative research approach is required, to provide evidence on which to base any re-orientation of the way in which law firms choose their people.

### **Broader skills shortage**

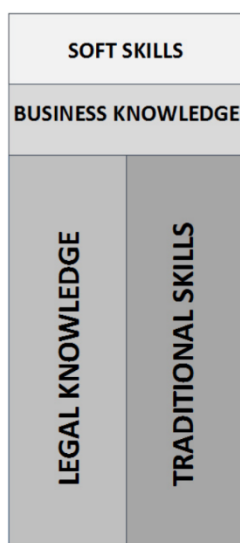
Legal expertise is only part of the skillset required to deliver both business success and customer satisfaction in the 21<sup>st</sup> century. With clients looking to achieve ‘more for less’ since the financial crisis of 2008 (Galbenski, 2009), the legal profession must leave behind its old way of working and deliver services in a more client-centric manner (Newton, 2020).

Too much inward focus on ‘excellent lawyering’ detracts from what a law firm is really selling: solutions to clients’ legal problems. Richard Susskind (2017) draws an analogy using an anecdote about new executives at a power tool manufacturer, asking them whether they sell drills or holes. Lawyers often think that what they are providing customers with is legal knowledge and skills, when in actual fact what customers are looking for are outcomes. This is one of the difficulties with the hourly rate, the traditional billing method within the sector. Empathy, too, is an important

ingredient, key to understanding exactly what those results and solutions are, as well as fulfilling the emotional requirement often present with customers whose legal services requirements are related to big life changes (Hyde, 2023).

Of course, there is another, related, problem – traditionally lawyers prefer not to consider ‘selling’ as part of their job description; it can be deemed by some as ‘beneath’ the profession, rather than as helping clients buy the services they want and need. But the market has forced law firms to raise their game. While for many decades lawyers had a monopoly on providing legal services, this is no longer the case.

### THE I – SHAPED LAWYER SKILL SET



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Figure 1 The I-Shaped Lawyer skill set

The Big Four accounting firms have moved in on aspects of the legal market with their ‘integrated services’ offerings (Derbyshire, 2018), freelance lawyers offer a lower-cost option owing to the removal of the usual firm overheads (Hyde, 2021), while digital transformation has not only created differentiation between law firms but also led to a wealth of tech-led solutions which are disrupting the marketplace (Sako & Parnham, 2021). Additionally, with the introduction of Alternative Business Structures (ABS) in 2012 there was also some speculation around whether many high street brands will compete

for the consumer pound. Not all those entering the market have been enduring. Saga, for example, scaled back its legal services activity in 2015, while the AA pulled out of the market in 2016 (Hyde, 2016), but some have proven very successful – Co-op Legal Services (Rose, 2022) is a case in point, and its £39m turnover in 2021 (with expansion plans to reach £100m over the next five years) certainly could indicate the powerful draw of a trusted and well-known consumer brand. Some strides have been made in terms of thought leadership around broadening skillsets in the profession, and several models have emerged. In contrast to the I-shaped lawyer model (Connor, 2020) where an in-depth legal knowledge and traditional skills are overlaid with soft skills and business knowledge, the T-shaped lawyer (Amani Smathers, 2014) has in-depth legal knowledge and “breadth of knowledge across multiple disciplines that allows for collaboration (the horizontal stroke of the T).” Versions of the ‘T’ model do vary slightly but can include cross-collaboration skills, innovative thinking, emotional intelligence, problem-solving, communication skills, technical knowledge, data



science, project management, process improvement and leadership skills, amongst others (Prolawgue, 2021).

Similarly, the Dynamic Delta Model was also developed to reflect the holistic set of competencies a 21st-century legal professional needs to succeed: practice, process, and people (Carrel, 2020). Along similar lines, the organisation O Shaped was started in 2019 with the aim to make the legal profession better through adopting the mindset of a rounded, 'O Shaped' legal professional: be optimistic, have an open mind, take ownership, be original, make and take opportunities (O Shaped, 2019).

What the latter three models have in common is that they emphasise the need to re-formulate training and development for lawyers; simply having legal knowledge and skills is no longer enough to fulfil the requirements of the market. 21st-century lawyers must evolve, as must 21st-century law schools (Murray, 2020). There is some evidence that this change has begun; in the US a 2023-launched Law School Innovation Program from Bloomberg Law recognises educational innovation, while in the UK progress is perhaps less widely recognised – but includes such examples as The Open University's Open Justice Centre (Ryan & McFaul, 2020) and Nottingham Law School's teaching law firm, NLS Legal (Nottingham Law School, 2022).

### Lack of diversity

While legal knowledge is often highly significant in recruitment and promotion opportunities, and broader skills are needed for lawyers to successfully operate in today's competitive market, there is another important factor that should be addressed in any discussion about improving the customer experience: diversity.

The importance of being able to relate to the consumer's wants and needs, and communicate with them on their level, cannot be overstated, and with a diverse customer base it follows that firms should field a diverse body of lawyers to look after them (Chopp, 2017). Additionally, it is widely accepted that diversity increases innovation and growth due to the myriad perspectives used to inform business decision-making (McKinsey, 2020). Indeed Anna Bradley, Chair of the SRA, stated: "A diverse and inclusive legal profession which reflects the wider community is not only good for the public, but good for legal businesses themselves," (SRA, 2022).

While the legal profession may still be characterised by some as largely 'pale, stale and male' (Tsang, 2017), progress has been made in some areas. However, not only is it not enough – for example, women are underrepresented at partner level, especially in large law firms (SRA, 2022), while the diversity of the UK judiciary, especially at the most senior level, is lacking (Murphy, 2020). There are concerns that the positive trend is starting to reverse, and the socio-economic profile of new

entrants to the legal profession is becoming increasingly privileged again (Tidman & Baker, 2019). During the past few years we have heard plenty of voices pointing out how low legal aid rates – the legal aid budget has fallen 43% in real terms since 2004-05 (Ungoed-Thomas, 2022) – are turning back the clock on diversity in the profession (Hardy-Susskind, 2022; Fouzder, 2022; Bowcott, 2020; Kirk, 2022). It's certainly not simply a recent refrain, either – back in 2009, Desmond Browne KC, Chairman of the Bar Council, warned that cuts to public funding for legally aided family cases would hit women and ethnic minority practitioners particularly hard (Counsel, 2009).

There are however numerous organisations actively supporting diversity in the legal profession, in the face of these challenges.

Launched in summer 2018, The Bar Council's award-winning 'I am the Bar' campaign is designed to encourage social mobility and diversity at the Bar by offering insights into the profession and the experiences of barristers from 'non-traditional' backgrounds. Additionally, numerous Inns of Court, chambers and Bar affiliates run initiatives which support social mobility and diversity: Gray's Inn, The Inner Temple, Lincoln's Inn, Big Voice London, The Garden Court, The Kalisher Trust and Midland Circuit, amongst others.

The Law Society has a dedicated diversity and inclusion team and an Ethnic Minority Lawyers Division committee, while their research into women in law has helped identify barriers to equality. The Pre-Application Judicial Education (PAJE) programme (in collaboration with the Ministry of Justice, Judicial Appointments Commission (JAC), the Bar Council and the Chartered Institute of Legal Executives) supports black and Asian solicitors looking to move into the judiciary. The Law Society also runs a Social Mobility Ambassador scheme, and a Diversity Access Scheme.

The SRA's Principle 6 is 'encourage equality diversity and inclusion' in the workplace, and although the organisation does not run any specific schemes itself, it does signpost useful resources including those from the Social Mobility Commission, Sutton Trust, the PRIME alliance of law firms, the Social Mobility Business Partnership, and Aspiring Solicitors.

Yet with all this activity, levels of diversity are perhaps not increasing as quickly as we might hope for.

The SRA's most recent report on diversity data (SRA, 2022) shows a 'slow but steady' increase in diversity since the last survey in 2019. It suggests that when it comes to gender balance the pace of change is slower in larger firms (61% of solicitors are women, with 35% at partner level, though only 31% of partners in the largest law firms are women), with a similar picture for ethnicity (at the largest firms just 8% of partners are black, Asian or minority ethnic; in firms with two to five partners this figure is 23%, and 35% at single-partner firms). Large firms also have more lawyers from 'privileged'

backgrounds: 29% went to fee-paying schools (compared to 7.5% of the general population), and 68% come from a professional socio-economic background (compared to 37% in the general population).

The Legal Services Board's State of Legal Service 2020 report reflects on ten years of independent regulation, and draws the conclusion that progress is also slow when it comes to providing legal services to a diverse population in an inclusive manner – which can also be interpreted as a symptom of a lack of diversity in the profession (Legal Services Board, 2020).

### **Digital transformation vs digitisation**

The legal sector is generally considered a digital laggard; the press has been reporting on the issue over the past few years, and this view was particularly apparent in a flurry of pandemic-era stories about legal firms being forced to adopt digital working practices (Beioley, 2020; Love, 2020; Easen, 2021; Kelly, 2020).

Outside the mainstream media, other organisations' content covered the topic too, for example real estate specialist CBRE entered the conversation with a report on how legal firms in the EMEA region shifted their workspace strategies in line with work-from-home policies and increased uptake of digital document and collaboration technologies (2020).

A quick review of technology companies' legal-specific marketing materials adds further weight. A news story on the Microsoft website, about DWF – the UK's largest listed business – going digital-first is not at first glance surprising, until you notice it is dated 16 September 2020. Cues may also be taken from the number of tech firms specifically targeting the legal sector as a marketing segment, with specific resources to sell non-industry-specific products to lawyers (Salesforce, 2021).

Numerous voices have heralded digital transformation of the sector over the past two decades, most notably Professor Richard Susskind OBE who has written several books on the future of the professions in the light of digital innovation. Many others can be heard in a raft of articles and blogs published during this time in business magazines (Shankar, 2021; Cohen, 2021; Vanetik, 2022), broadsheets (Beioley, 2021; Easen, 2021; Field, 2023), social media (Smith, 2020), industry publications (Singh, 2021; Beck-Friis, 2021; Imperiale, 2022) and research reports (Van der Meulen, 2021; SRA, 2021; Johnson, 2022). But so far for the most part this 'thought leadership' seems exactly that: theoretical musings which are not actually leading to much actual change, perhaps a symptom of PR campaigns designed to aid merger or buy-out activity, content-driven marketing strategies and personal branding endeavours.

Even the COVID-19 pandemic, which did have a massively transformative effect in driving uptake of new technologies across business sectors (Spataro, 2020) may not have transformed working practices in any real sense, merely forced the digitisation of existing ones (Caldwell & Krishna, 2020).

In October 2020 an article in Financial Times outlined the 'FT Top 30' in terms of digital transformation (SenGupta, 2020). What is most surprising about the findings is how thin on the ground genuine innovation is: the appointment of a chief digital and technology officer, virtual internships to increase diversity in recruitment, and online training for clients are hardly earth-shatteringly innovative, yet they all make it into the key-points summaries (and these examples are all from the top seven, the 'pacesetters'). This is a perspective that appears in other contemporary articles, too, such as a client insight article on 'the innovation illusion' on Legal500.com (Wood, 2020) – though it is not a new phenomenon, as is evidenced by a McGill University study a few years earlier (Háji, 2017).

The legal sector is certainly characterised by two factors which are shared by the sectors most prone to digital disruption (Grossman, 2016) – low barriers to entry which creates more agile competition (a circumstance created by the Legal Services Act 2007, and the introduction of Alternative Business Structures) and the existence of large legacy business models within which their major income streams operate. Such organisations are generally less agile, and tend to have a strongly embedded culture, which means it is difficult to drive change at the necessary speed.

It's also worth noting that the majority of recent legal sector evolution is weighted towards the largest firms; those with the most significant fee income from business clients and high-net-worth individuals (The Law Society, 2019). At the most basic level this could be explained by the fact that such work tends to be more profitable, so there is better availability of funds for investment, but also there is likely to be an element of meeting demand, especially in the face of competition from the Big Four (*The Practice*, 2021). Other business sectors are far more advanced in terms of digitisation or digital transformation, with some having undergone significant disruption over the past decade or two, so high earners are likely to have certain expectations of tech use, while wealthier individuals are also more likely to have the means to buy, and experience of, the latest technologies in their personal lives. They are also arguably more likely to negotiate with their law firm and perhaps have a more confident idea of what a 'good' level of legal service looks like in the 21<sup>st</sup> century than the average consumer.

A report published by a legaltech company (Legatics, 2022), which was funded by Innovate UK to increase legal technology adoption in the UK legal sector, highlighted four main pain points: limited prioritisation, lack of knowledge, inadequate training and limited active role models. With the

research for this report conducted within six sizeable law firms – Herbert Smith Freehills and DLA Piper, together with Pinsent Masons, Osborne Clarke, Reed Smith and Eversheds Sutherland – it again suggests that while technology adoption may loom large in thought leadership, and perhaps in innovation-led departments or separate entities set up for the purpose, it has not yet trickled down into the mainstream.

For smaller firms, such as those most likely to be used by the average consumer, these barriers to legal technology adoption can also be joined by cost and human resource pressures. On the other hand, their smaller size can make them more agile and therefore more resilient in a changing business climate (Reyes, 2020). They can also benefit from the human touch (Schäfer-Zell & Asmussen, 2019); consumers can prefer to deal with smaller (LSCP, 2016) local (LSCP, 2022) firms, especially where the consumer is older, and also the predominance of personal recommendation as a deciding factor (LSCP, 2022) can mean that local firms do very well from networks of friends and family when it comes to generating new business. For them, technology adoption may legitimately and rightly be a case of digitising existing processes and channels of communication, rather than re-engineering the way they do business through digital transformation; at the heart of strategic decision-making must be the customer's wants and needs.

When it comes to delivering the legal services that their customers need and want, firms are, to a significant extent, at the mercy of the context in which they operate. They must act for and advise their clients within the framework of the justice system.

It is also entirely possible – especially given the aforementioned low average levels of public legal knowledge and understanding – that a client may conflate their experience of the system with that of the provider. Satisfaction may depend on whether the outcome is to the customer's liking or not; in litigation this viewpoint is likely based on personal objectives and a concept of what they consider 'fair', with other services it could come down to how quickly the matter is completed. Of course, this does not always take into account their legal position, or the legal professional's quality of advice or other controllable elements of their service.

It must be said there is a sense that the public (and professional) experience of the system has worsened over time, especially in the past decade or so; this section of the literature review focuses on exploring where and how this has happened.

### Court delays

Although it is undeniable that court delays (Sturge, 2023) have been significantly affected by COVID-19 responses (NAO, 2021), evidence shows that they have in fact been increasing over a much longer period of time, and not entirely because of the pandemic impact (Clark, 2022).

In September 2022, the Law Gazette reported that court delays for civil cases had reached an all-time high, although this was not attributed solely to COVID (White, 2022), and indeed the latest figures show this figure has now increased to a new version of the worst on record (Moloney, 2023). Cafcass’s data shows the family courts are in a similarly poor situation (2023). The problem – even before considering COVID as a factor – has been twofold: there has been a reduced capacity within the court system, and there has been an increase in court days required.

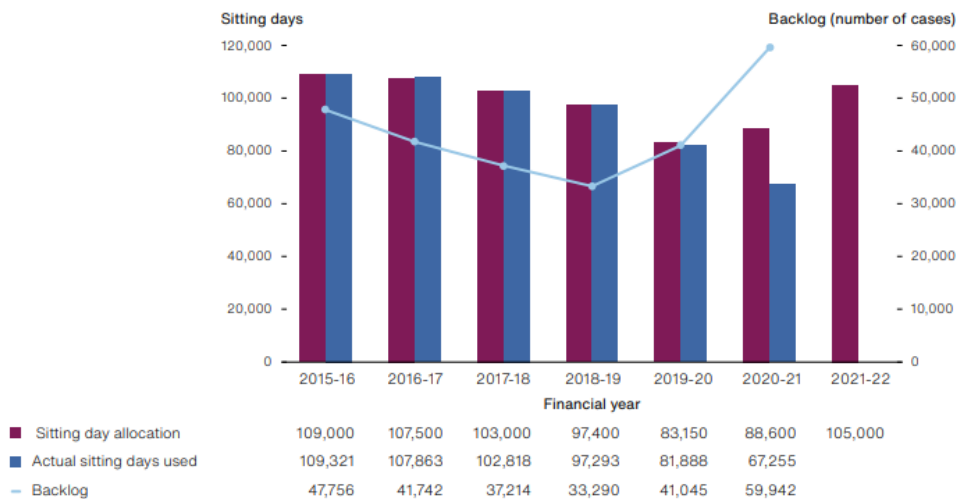
### Reduced capacity

Between 2010 and 2019, more than half the courts in England and Wales were closed, and there are government plans to close 77 more by 2025/26, to fund improvements such as new digital services (The Law Society, 2022). A National Audit Office report in late 2021 included a revealing graph which shows the correlation of reductions in Crown Court sitting days (both allocated and used), and a sharp increase in the backlog:

**Figure 2**

Crown Court sitting days and the level of backlog, 2015-16 to 2021-22

The Ministry of Justice (the Ministry) allocated 15% fewer sitting days for 2019-20 than for 2018-19 and oversaw a 9% increase in the backlog during this period



**Notes**

- 1 In 2019-20, the Ministry secured HM Treasury approval for two in-year adjustments to its sitting day allocation. We have presented the final allocation.
- 2 The Ministry allocated 88,600 sitting days in 2020-21. In April 2021, the then Lord Chancellor announced he was removing the funding cap on sitting days in 2021-22 to support reducing the Crown Court backlog.
- 3 This analysis does not include actuals or cases in the backlog for 2021-22. This report is published part-way through the financial year, so the data are incomplete.
- 4 The backlog of cases is measured as of the last day of each financial year.

Source: National Audit Office analysis of HM Courts & Tribunals Service data and Ministry of Justice criminal court statistics

Figure 2 Crown Court backlogs 2015-2016 to 2021-2022

This same report also highlights the fact that the MoJ and HMCTS are somewhat behind on developing metrics which will help accurately model demand (NAO, 2021).

Although efficiencies are possible through technology, it should be recognised that in-person hearing are better at delivering justice in some instances. It would also make more sense to only

close court buildings after this new technology has been developed, tested, implemented, and proven to be suitably functional.

The financial logic has been questioned, too, with the MoJ's own data showing that the largest proportion of court buildings fetched between just £100,000 and £249,999, and that of the £224m raised almost two-thirds was generated by just nine sites in and around London (Bowcott, 2018). Aside from the implication by some media articles that buildings may have been undervalued, the very fact that capital assets are being sold to pay for running costs – since IT systems are in need of constant evolution they cannot be considered a one-off investment – has provoked questions around the sustainability of this strategy in the case of future surges in work (which are discussed below in '4.1.6.1 Increased caseload'). The argument that courts were sold because they were underused also has a straightforward counter-argument, since under-use can be attributed to government policies (Madge, 2019).

In addition, there has been inevitable fallout from the redistribution of cases to other courts, through confusing, conflicting information. By way of illustration, housing lawyer Giles Peaker's experience of the closure of Lambeth County Court involved a litany of instances of poor communication, and he wondered how litigants in person would be able to navigate the muddle transition (2017). Notably, Lambeth County Court is owned by the Duchy of Cornwall, and therefore was not closed in order to sell, simply that it was allegedly surplus to requirements and too expensive to maintain. Again, this is but one example, but the decision-making used in closing Lambeth County Court would certainly appear to be grounded in the slashing of budgets, to the detriment of the wider picture: access to justice (House of Commons, 2016).

The reduced HMCTS estate is likely not even operating at its full capacity, owing to the state of repair of the buildings. *The Law Gazette* reported in March 2021 that 91% of the 362 courts and tribunals had outstanding building repair requests, with 5,000 new repair requests raised every month (Hyde, 2021). It wasn't until August 2023 that the Justice Secretary announced that £220m will be invested in the court estate to reduce the pressure on the backlog (Castro, 2023). Then, a matter of weeks later, it became apparent that the issue of RAAC in court buildings would lead to court closures (Hyde, 2023).

Aside from a reduction in the physical space required to hold hearings and tribunals, there has also been a reduction in the number of professionals within the system. According to Ministry of Justice official statistics there were 3,470 court judges and 1,753 tribunal judges in post as on 1 April 2022, both a decrease on 2012 figures (Ministry of Justice, 2022). From this report, it's clear to see that the number of magistrates has fallen significantly, from 25,170 in 2012 to 12,506 in 2022. Technically,

there are more barristers in 2022, 17,252 (SRA, 2022), than in 2012, 15,585 (Bar Standards Board, 2014), but fewer solicitors in 2022, 154,985 compared to 165,227 (SRA, 2022).

The age profile of the judiciary is relevant, here, since it suggests future attrition: 70% of court judges and 69% of tribunal judges are 60 and over, while 35% 60 and over in courts and 36% in tribunals (Ministry of Justice, 2022). There is not any literature on the difficulty of recruiting members of the judiciary, but I would expect my research to show that one of the challenges is that a role change from counsel to judiciary would likely entail a drop in pay, which limits the appeal of such a move, and shrinks the pool of available candidates. The age profile of barristers and solicitors also bears some scrutiny; in 2021 only 17% of the practising Bar was under 35 (Bar Standards Board, 2021), and only 4% of duty solicitors fall into this age bracket (The Law Society, 2022). The 2022 barristers' strike, and subsequent pay deal, also exposed the fact that many juniors do not feel they are able to afford to stay in the profession (Siddique, 2022).

#### Increased caseload

While Crown Prosecution Service data (2022) shows that in Q1 of 2022/23 referrals from the police have dropped overall, charge rates have increased across all crime, domestic abuse, rape and hate crime. When contrasted with regional data (for example, the 35% increase in sexual offences in London during the past year cited in a Mayoral press release from 2022), we can infer that this average increase figure may not adequately illustrate the additional pressure on some regions' courts.

We might also consider that an ever-expanding network of laws (particularly as relates to the digital sphere, which must be constantly evolve to keep pace with innovation), and the likely impact on future police referrals, as well as the pledged increase in police numbers (of 20,000) which will also add to the criminal court workload (The Law Society, 2022) – and this is a situation that has been seen coming for some years (Dearden, 2019).

In addition to uplifts in case numbers through an increase in police referrals, we must consider the uplift in numbers caused by efforts to tackle the COVID-related backlog. For example, a decline in the profession has left firms concerned about their ability to manage any increase in Crown Court throughput, as the pandemic had stretched a system already in crisis. Issues cited included problems with court listings, with courts closing, restrictions on the number of sitting days and trials being adjourned at short notice (The Law Society, 2022).



Systemic underfunding has led to fewer solicitors choosing criminal legal aid work due to its relatively low earnings and longer hours, while experienced staff are choosing to work for the Crown Prosecution Service which offers better pay and more sociable hours, and suitably qualified advocates are sitting as recorders to cover the Court backlog. This decision-making is understandable. In the context of high inflation and the rising cost of living, real terms pay has dropped. This is particularly clearly illustrated by legal aid rates, which were set back in 2013 (Legal Aid (Remuneration) Regulations, 2013). For example, according to the Bank of England Inflation Calculator, the hourly rate for family proceedings advocacy in the Higher Courts, £70.56 (in London), would actually be £94.04 per hour today if rates had kept track with inflation. This represents a pay cut of 33% in real terms – a whole third. It's not only in criminal law that numbers of solicitors are falling, either, we are seeing an exodus across the profession (Hussain, 2021; Francis-Devine et al., 2023).

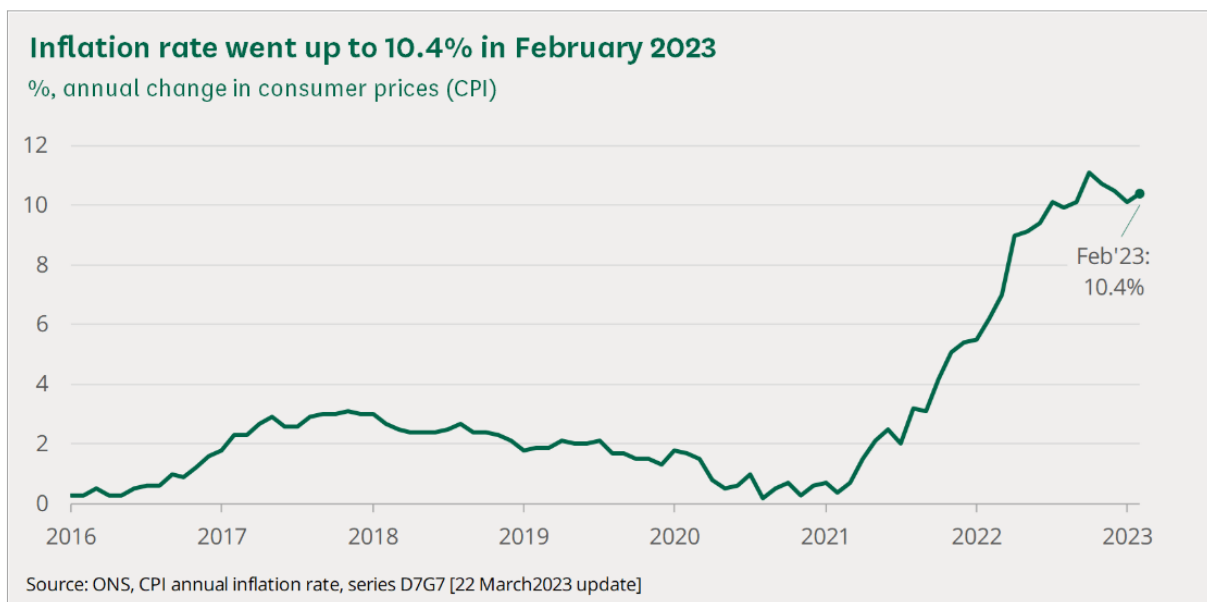


Figure 3 CPI annual inflation rate 2016 - 2023

The Law Society survey (2022) also revealed that firms mostly planned to manage the backlog through longer working hours, while recruitment accounted for just under 30% of responses – though recruitment challenges were also cited (low remuneration, lack of available talent). Views were mixed on whether this would be a long- or a short-term issue – the latter group felt that recruitment would not be a viable response as overheads would be increased, and when the courts return to capacity there would be costly redundancies.

#### Case efficiency

Various factors have also impacted the efficiency of cases through the system. With swingeing cuts to legal aid, there has been an increase in litigants in person. Owing to their lack of understanding of the system and the law, this not only increases the likelihood of defendants experiencing a worse

outcome than if they had had legal representation, but lengthen proceedings through lack of understanding (The Secret Barrister, 2018). When you consider that The Law Society's analysis suggests that the average day of court time incurs running costs of £2,692 (2018), this is not only a time problem, but a cost one too. Tellingly, the government did research on litigants in person in 2015, but appeared reluctant to publish the results (Dugan, 2018).

Other efficiency problems – leading to wasted funds and increasing pressure on the system – abound.

With so many closures, more people have trouble attending on the time and date stipulated owing to the longer distance from their home to court. The government's idea of an 'acceptable journey' has shifted from one hour to nine since 2010, while increasing travel costs are unaffordable for many on low incomes. In some areas, the number of arrest warrants for 'failing to show' has increased, with the police having to taxi defendants to court, shifting the resource burden onto their budgets (The Law Society, 2019). This increasing likelihood of people not turning up to court also may have affected defendants' tactics, too. An initial plea might be switched depending on whether certain witnesses arrived at court that day, adding to the complexity and length of the case.

Similarly, the huge reduction in the number of police stations (Newkey-Burden, 2021) has had an impact both on defendants' ability to present themselves as required, as well as the duty solicitor's ability to attend in a timely manner (not to mention the additional travel costs involved).

Taking a step further back, inadequate police and prosecutorial screening leads to knock-on inefficiency in the court system itself, through poor decision-making over charges, and weak case presentation. Cases are too often prepared with only a few days before a trial, allowing little time for the defendant's legal representation to properly review the material and advise their client. This is not a new phenomenon, either, with an article in *The Guardian* as far back as 2013 highlighting the issue, attributing it to the 27% cut in CPS budget, and stating ominously that, as a result, case collapses and retrials are "a picture that is happening across the country," (Bowcott, 2013).

It's not just disclosure that is not being done properly either, in some cases key evidence is not being submitted to the court, even though the case should be straightforward (Adams, 2023). Other parts of the system can also hold up the criminal justice process – for example, a recent case which involved the alleged fraudulent sale of a property, has been ongoing thanks to a year-long wait for Land Registry documents (Moloney, 2023).

### Impact of court delays

Delays can have a significant impact on the mental health of victims, particularly in cases of abuse and violence (Ungoed-Thomas, 2022), when it comes to arrangements for children (*The Law Gazette*, 2023), and also in the granting of probate (Lennox, 2023), taking the importance of speeding up the flow of cases through the court system far beyond 'user experience' to a much more fundamental matter of health and wellbeing. Some victims and witnesses are choosing not to go forward with cases because they just can't bear waiting any longer (Chakelin & Goodier, 2021). In the Victims' Commissioner's 2021 Victim Survey, only 9% of victims thought the courts dealt with cases promptly (Victims Commissioner, 2022).

Delays also impact the proceedings themselves. After a long wait witnesses find it more difficult to recall what happened with any accuracy (HM Inspectorate of Constabulary, 2021), and this directly affects the court's ability to come to conclusions which deliver justice.

In addition, those accused of crimes are being held on remand for longer while they await their court date – and of course, this affects both those who will be found guilty and those who will be found not guilty. During the pandemic, there were reports of judges feeling under pressure to extend custody time limits (Coleman, 2020). The delays for those on remand became so significant that in November 2022, the MoJ implemented Operation Safeguard, requesting emergency use of 400 police cells to house inmates (Adu & Syal, 2022).

With the impact being most keenly felt by children with additional needs, and families who are already under tremendous pressure on a daily basis, the SEND appeals system is also described as 'at breaking point', with the backlog having leapt by 38% this year, and specialists telling clients they should expect a wait of up to a year for their appeal to be resolved (Hyde, 2023).

Data has also shown that civil court delays are longer post-COVID, with the average wait time at 74 weeks compared to 58 weeks (Goss, 2022), which will create complications for UK businesses – at a time when the economic climate is already inhospitable – and it's not just businesses which are impacted over an unacceptably long period of time, but families too. HMCTS stopped publishing data on employment tribunals in March 2021; at the time 50,000 cases were waiting to be heard, and the average time taken to clear the system increased by 23% to 45 weeks. It also explained a post-pandemic increase in tribunals could be expected (ACSO, 2022).

Of course, this focus on speed and efficiency is perhaps a slight red herring in terms of metrics that matter – it's not just about pushing cases through the system more quickly. Somehow, justice does not appear to be as strong an objective, even though it is what really counts.

Lawyers are also negatively impacted by court delays and the burgeoning workload in an inefficient system. The late nights, owing to the late preparation of cases by the CPS and the effect of time-related police tactics for questioning, has an impact on both wellbeing and their ability to give their best, while the condensing of case preparation into just a few short days (sometimes less), with the added pressure of low rates of Legal Aid, at best stretches their ability to deliver the service they themselves would want to deliver, and at worst drives them to leave the profession (Ungoed-Thomas, 2022). It's not just criminal law that young lawyers are leaving, either. According to the International Bar Association about 1 in 5 lawyers under the age of 40 are thinking of leaving the legal profession (Runyon, 2022), while The Law Society's research shows that junior lawyers are reporting more stress and anxiety, and lower levels of happiness and wellbeing (Singh Atwal & Lim, 2023). There's also some evidence to suggest it's not just a concern, the exodus is already happening (Beioley, 2022).

A YouGov survey (Legatics, 2022) found that 92% of lawyers had experienced work-related stress or burnout, with just over a quarter saying they suffered these on a daily basis. Similarly, a *Law Gazette* article stated that "Solicitors are already stretched to breaking point with police station and magistrates' court work, and Crown Court litigation," as well as citing that a 'government source' told the *Daily Mail* that an expansion of the Public Defender Service could be implemented (2022). However, Law Society vice-president Lubna Shuja questioned the sense in this approach, saying "it is not increasing the pool of advocates, it is simply rearranging the same people." It is hard not to imagine that the intense squeeze on private practice is to achieve precisely that outcome, as firms are leaving the legal aid market in droves.

Unequivocally, it must be said that delays directly impact the experience of all the individuals involved in navigating the justice system. Particularly the customers of law firms – and as I have discussed earlier in this paper there is a significant possibility that customers, as non-specialists in the law, will conflate their experiences of the system with their satisfaction with their legal services provider. The creaking system makes it very difficult indeed for lawyers to deliver the service they want to deliver: the service that their customers want and need.

#### Strategies to mitigate court delays

Of course, there have been measures introduced to decrease the backlog and reduce delays in the court system, namely:

- Increasing the use of digital hearings via video conferencing software (HMCTS & Philp, 2020).
- A so-called 'super courtroom' was opened in Manchester Crown Court in 2021, with a second at Loughborough, increasing capacity for large trials (MoJ & HMCTS, 2021).

- Investment to support recovery from the backlog and for victims and support services (MoJ, 2022).
- Magistrates can now issue sentences of up to 12 months for a single offence (previously only the Crown Court was able to issue sentences in excess of six months). According to the government, this will free up to 1,700 extra days of Crown Court time annually (MoJ, HMCTS & Raab, 2022).
- The continued use of the 'Nightingale Court' system, set up during the pandemic to support access to justice, throughout 2023 (MoJ, HMCTS & Raab, 2022).
- Removing the cap on how many days the Crown Court can sit per year, for the second consecutive year (MoJ, HMCTS & Raab, 2023).

But there have been criticisms that these measures do not go far enough.

Jo Sidhu KC, chair of the Criminal Bar Association, said of new magistrates' powers: "Keeping back more cases in the magistrates may in any event only trigger more appeals to the Crown Court, adding to the growing lists of outstanding cases and diverting criminal advocates for tackling the pre-existing pile-up of trials. There simply aren't enough judges to sit because, as the Ministry of Justice knows full well, it can't recruit sufficient judges who are in very large part drawn from the same diminishing pool of criminal barristers who also prosecute and defend and who are leaving in droves," (Camber, 2022).

The National Audit Office's report *Reducing the backlog in criminal courts* (2021) was scathing, identifying the weaknesses in these plans (particularly the 'increase' in Crown Court sitting days), and highlighting the importance of suitable funding and resources, as well as "shared strategic objectives for recovery." This report also outlined risks such as capacity within criminal justice agencies and support services, the availability of judges, and data limitations.

A report by the House of Commons public accounts committee, published in March 2022, criticised the government's "meagre ambition" to tackle the backlog in the Crown court, and concluded that the measures taken are "unlikely to address unacceptable delays," (Croft, 2022).

At the end of 2022, figures also showed that Family Court delays had worsened further, with the average time taken for a private children's law case to get a final order granted was five weeks longer than in the same period in 2021 (The Law Society, 2022). Similarly, civil justice statistics show that "the time between issue and trial for fast- and multi-track claims has now exceeded 78 weeks, the longest this century," (Hyde, 2023).

The Justice Committee called on the government to tackle the lengthy backlog in the court system in early 2022 (House of Commons, 2022), not just through innovation but strategic planning and long-

term resourcing. “In response to the huge backlog facing courts an impressive commitment to innovation has emerged. The speed with which Nightingale Courts have been established, the use of digital technology and attempts to boost mediation instead of going to family court are all welcome. However, this alone will not have the necessary impact to tackle the scale of the capacity issues facing courts,” said Chair of the Justice Committee Sir Bob Neill. “The Government must work with the Judiciary to ensure that there is sufficient staff and court space to allow trials to take place and the lengthy backlog to reduce. The physical estate has been left to crumble for too long and must be made fit for purpose. There must be sufficient numbers of judicial and clerical staff to cope with the volume of cases... The court system is creaking and there needs to be coherent, consistent planning to fix it.”

### Access to justice

One significant effect of this combination of reduced capacity and increased caseload, plus changes to where court attendance is required, has been to reduce access to justice for many people. Those who don't qualify for legal aid but cannot afford private client rates, or those who do but can't access a legal aid solicitor in their area, find themselves having to become litigants in person – if indeed they choose to move forward in that way. It's likely that many, overwhelmed by the complexity of their situation, simply don't take their legal problem to the courts.

The statistics around legal need and individual outcomes (not just legal outcomes, but personal impacts too) are revealing. The Law Society found that six in 10 adults (64%) had experienced a legal issue in the last four years. Only 55% got professional help; 21% of people did not try to access professional help since they believed it would be too expensive. It was estimated that “three in 10 respondents had an unmet legal need for a contentious legal issue, where either they did not receive any help or wanted more help to resolve their issue.” The study also concluded that “consumers with low legal confidence (that they could get a fair and positive outcome in different legal scenarios) find it harder to find professional help and are more likely to get worse outcomes.” (2020)

Aside from the fact that some people are missing out on legal assistance because they think they cannot afford it, there are other factors that do not lie within the control of the individual. It is well-documented that access to justice has been reduced in recent years, and various bodies have highlighted this trend. Several years before the pandemic Amnesty International published a report which stated cuts to legal aid have “decimated access to justice” for thousands of the most vulnerable people (2016).

A couple of years later, an Equality and Human Rights Commission research report (2018) gave us a similarly damning picture of the impact of reform, looking at individual areas of the law in turn

(family, employment and welfare benefits law). It found that “most participants tried multiple routes to resolve a single issue: attempting to resolve problems on their own, trying to access free advice and taking steps to get paid advice or representation before courts or tribunals. But without legal aid, almost all the participants struggled to solve their problems.”

The report also stated that significant financial deprivation occurred as a result of this struggle (including being unable to afford food, adequate housing or other essentials), and a lack of advice often led to delays in resolution, exacerbating the legal problem. There was also evidence that suggested costs were being passed on to other parts of the public sector, and debts built up, when people funded their own legal representation. Other notable findings included the fact that employment tribunal costs are offputtingly high compared to the value of claims, and welfare law advice’s removal from legal aid has resulted in almost no specialist support for appealing benefits decisions.

Most recently, The Bar Council’s report *Access denied: The state of the justice system in England and Wales in 2022* also makes for depressing reading. The foreword alone paints a dreadful – and as lawyers will know, a not inaccurate – picture of the current state of access to justice, summing up a litany of challenges within the system and highlighting some horrific examples of specific problems encountered.

In 2014, it was reported that “the legal aid bill [was] slashed by £300m without research into the potential effect of the cuts,” (Morris, 2014), as admitted before the House of Commons Public Accounts Committee by the most senior civil servant at the Ministry of Justice (MoJ). It is inconceivable that such a decision could have been made without thought to the impact on citizens, and the knock-on effect to other government budgets – such as NHS costs for mental health services (MIND, 2018), for example, plus it would follow that there would be more demand for care and social services, and advice from charities (such as Citizen’s Advice Bureau), as well as a potential increase in crime levels.

#### Vulnerability

As highlighted by the reports cited above, vulnerable groups have been most significantly impacted by cuts to legal aid, precisely because they are the groups most likely to have low incomes (Child Poverty Action Group, 2016). Employment status and mental health outcomes are linked (Mental Health Foundation, 2022), as one might expect, while other vulnerability factors associated with low incomes include disability, age, race and refugee status (Department for International Development, 2005). This means vulnerable populations are disproportionately affected by the cuts to legal aid (Merrick, 2016), and they are the most ill-equipped to solve their legal problems without support.

The COVID-related changes to the court system, including remote hearings, have complicated participation for those who lack digital literacy or experience other challenges (The Law Society, 2022). HMCTS does not appear to agree wholeheartedly, pointing out that remote hearings can extend access to justice (Rand, 2021). It must also be considered that vulnerable people who do not qualify for legal aid, but are able to fund their own legal support and advice, face many of the same challenges navigating the system.

The Solicitor's Regulation Authority has published guidance on 'reasonable adjustments' law firms can make to improve access to their services, based on research commissioned from YouGov in 2019. The most common issues raised in the online surveys, interviews and workshops included rarely/not being asked whether they needed any adjustments in order to access services, unhelpful staff and the person's own anxiety or lack of confidence, and the specific difficulties in accessing services faced by those with 'invisible' disabilities. Stand-out statistics include the fact that 51% of clients with mental health challenges found it hard to access legal services, more than one in four disabled people feel uncomfortable asking for adjustments, and only one in six clients were proactively asked if they needed adjustments.

The issue of vulnerability cannot be rounded off without also considering the vulnerability of victims in proceedings. Under current rules, there is nothing that a judge can do to prevent a victim being cross-examined by an alleged perpetrator, should they be a litigant in person (Hyde, 2017). Similarly, there is some evidence that the court system is being used by abusive ex-partners to continue the emotional abuse of their children's other parent, and that there are not currently enough checks and measures in place to ensure claims of 'parental alienation' are not used as a weapon against former partners (Rothwell, 2023). A BBC investigation in 2023 revealed that five of the 45 mothers in a University of Manchester study on this topic died, some by their own hand (Thomas, 2023).

For some vulnerable victims, even the tactics of some barristers will prove a disincentive to make a complaint, knowing what they will have to undergo, even though they are not the ones on trial (Bowcott & Barr, 2019). There is some good news, however; specialist advocate training is available, and courts may employ those suitably qualified to take on that role in cases where children or vulnerable adults must be questioned (The Law Society, 2023). That said, availability does not necessarily equal uptake; remuneration rates are low, and although there is no literature on this situation currently, I would expect my research to show that the desire to undertake this training is weak at best.

Cost of legal advice



Aside from the fact that there are several areas of law which are not covered by legal aid, there is a considerable gap between those who are eligible for legal aid and those who have the means to fund their own legal advice and support without falling into debt.

The gross income test for civil legal aid sets the upper threshold at £2,657, or £31,884 pa (MoJ, 2014), while for criminal legal aid it's a maximum household income of £3,398, or £40,776 pa, when the latest average UK household expenditure is around £2,907 a month (£34,886 pa) according to the ONS Family Spending data (Yurday, 2022). It's clear to see that there is not all that much disposable income available to be allocated to private legal services if someone is not very comfortably over the threshold, especially when you consider that solicitors' guideline hourly rates range between £177 and £512 (MTCTS, 2021). On an income of £3,400 per month, just above the threshold, assuming 'average UK household expenditure', a person wouldn't even be able to stretch to three hours of a legal professional's time in a month, even if they opted for the lower level of experience and happened to live in a National Band 2 area. Considering that it's very unlikely a cost order will be made against the opposing side, those who are not able to access either legal aid or have significant private means, are simply frozen out of being able to deal with their legal problems – even if the situation is grave and requires a quick, professional solution, for example, when it comes to child arrangements.

Aside from anything else, it is remarkable to consider, that those who are accused of a crime, and above the legal aid threshold, must pay for their own representation without having recompense if they are proven not guilty. This is not commonly known among the general public – unless of course they have read *The Secret Barrister* (2021).

All this looks set to worsen, too, with more people falling outside legal aid eligibility, given high rates of inflation – as reported by the Law Society (Fouzder, 2022).

In the past, those who do not qualify for legal aid, but cannot afford to pay for private legal services might have been able to rely on help from a charity, such as Support Through Court, but this is no longer a possibility for many. Like law centres before them (whose numbers halved from 94 in 2013-14 to 47 in 2019-20), the closure of these services is a direct result of policy change and government funding withdrawal (Dugan, 2022).

It's also telling to compare the thresholds used by other organisations to benchmark affluence. For example, many private registered providers of social housing put the threshold for 'affordable rent' properties – a type of social housing for people who might struggle to secure accommodation at market rates, typically costing 80% of comparable private rents – at around £60,000 (Shelter, 2021) for the household, which is roughly double the average earnings of £32,292 (ONS, 2022).

And of course, a legal problem may not involve any fault on the part of the person who must pay for their own legal costs. The Secret Barrister's observation on what they call 'innocence tax' is terrifying, but even perhaps does not go quite far enough (2018).

In addition, the challenges of costs don't just apply to those struggling to access legal advice, it can also distort the application of justice between parties involved in civil litigation, where there is a significant disparity in means. The impending fixed costs extension (Hyde, 2023) in fact compounds the issue: the richer party may be able to force the financially weaker one to fold, because they cannot afford the prospect of such a large unrecoverable cost.

#### Public legal education (or lack of it)

I have already discussed the low levels of legal literacy in the UK in 3.1.1, setting client expectations in the context of their level of understanding, but this fact is also relevant to access to justice.

A report in 2019, based on research carried out by Censuwide on behalf of Slater & Gordon, found that lack of knowledge was high, with more than a third not knowing the difference between civil and criminal courts. And that wasn't all. Almost half of people thought that if they did not have a will their money would go to the 'closest person' to them, while more than 40% of respondents thought that suspects had to pay to be granted bail after being arrested. More than 20% said that those applying to sit as justices of the peace must have a master's degree, while 12% of respondents thought the same solicitor could represent both parties in a divorce settlement to cut down on costs (*The Times*, 2019). This article was written before the rise in popularity of 'one couple one lawyer' processes; it is of course still true that separate lawyers are required for contested proceedings.

This lack of even basic knowledge doesn't just stop people from negotiating the justice system effectively as a litigant in person, it can prevent them even trying. The most recent report by Citizen's Advice on the topic of justice – completed as far back as 2015; despite seven reports being published in the period 2007 to 2012 – looked at citizens' experience of the justice system. One of the key findings was that 72% of people agreed that trying to solve their problems might not be worth the financial and emotional cost. It also highlighted a lack of faith in the system – only 48% of people believed if they went to court, their outcome would be fair (Citizen's Advice, 2015).

Indeed, without a basic understanding of how the law works, people might not even know that their problem is a legal one, or – even without taking financial challenges into account – how to access the help they need to solve it. The situation is potentially even worse than the legal profession might anticipate, as those with the lowest levels of awareness are less likely to cross paths with a lawyer.

Lack of knowledge is one thing, but then there is also the issue of misinformation; wrongful conclusions drawn from sources that may not be the best from which to draw an understanding about the justice system. The Secret Barrister's latest book *Fake Law* covers this subject in great detail (2021).

Without the basic legal knowledge to interrogate the stories presented across a wide variety of media platforms – and this is no longer a uniquely tabloid-related issue – the general public cannot employ the necessary critical thinking to see through sensationalist, clickbait headlines. This might also be extended to knowledge gathered in other ways – whether the latest law-related storylines in soaps such as *EastEnders* (Obiter, 2021), a poorly researched crime series (for example, the episode 'Home' in Season 8 of *Vera*, which features a woman whose son is under scrutiny as a murder suspect, and she apparently covers for him because she worries that her ex-husband 'will win custody'), or posts by unqualified sources on social media (for example, Family Lowdown Tips & Ideas, Facebook UK's biggest family group, which regularly features requests for advice relating to matters including divorce or being served a Section 21, and the wealth of bad advice being proffered by the general public is astounding).

In addition, the recent availability of AI tools such as ChatGPT has increased the risk of poor research being done by litigants in person, who then are disadvantaged in court by having obtained what they think is dependable information – perhaps even dependable legal precedents (Hyde, 2023; Rothwell, 2023) – when in fact the chatbot has simply sifted through information on the internet and made erroneous connections, fabricating something with no basis in fact. Outside the criminal justice system, but still relevant to the issue of the lack of PLE and access to proper advice leading to people researching online to do their own DIY legal services, there have also been cases of people undertaking to write their own wills using internet templates and information (Castro, 2023).

There has been some suggestion by The Justice Committee that the court system should do more to make it easier for the public and the media from attending court proceedings (UK Parliament, 2022), however it is uncertain whether this would have the desired effect on public awareness – sober court reports are unlikely to drive the same interest as sensationalist stories, and in the age of information overload, even a return to some form of court reporting might not get the attention it might have done in the era of print media.

The industry has made some attempts to offer education opportunities, so the public might equip themselves with the knowledge they need to navigate the legal system. For example, the website *Legal Choices* was launched in 2014 as part of the joint legal regulators' commitment to public legal

education, with website and social media (Facebook, YouTube) content helping consumers understand the basics of the legal system and make good choices about legal services.

The platform's 2020-2023 development strategy (SRA, 2022) has set about increasing reach, strengthening the quality of the content, and enhancing its relevance. A series of products and tools has been added to the website, including an online glossary of legal terms in plain English, a 'logic tree' tool to help those facing eviction, a meta-search portal which allows people to easily check whether a particular legal services provider is the subject of regulatory or disciplinary decisions, a tool to help those who think they may have a claim for workplace discrimination, and a set of customisable information packs for advice givers, collated from published *Legal Choices* content. This is particularly useful for sharing with those who don't have online access or prefer face to face advice.

These developments, indeed this resource itself, represent a positive step forward in giving consumers the understanding they need to select their legal advice and representation from a more informed position, but questions still remain about whether a self-directed method of education will really reach those who need it most. Vulnerable groups – such as those with learning difficulties, with English as a second language, or even those without access to the internet – could experience trouble in accessing this type of education (CILEX, 2021). Of course, there is also the issue of whether they can pay for the services they are then informed to better choose. Such education may only broadly tackle the topic. While it may function adequately to help some consumers choose legal services, it will not equip them to be able to act without representation, and the problem of access to justice remains.

It also remains the case that such digital resources may only continue to be useful provided there is the continued funding to keep them current and online. *Advicenow*, the award-winning website run by Law for Life, provides practical information on the law and people's rights, and has done for a decade. However, in 2023 government funding for the project suddenly ended – their application for an Improving Outcomes Through Legal Support grant application was unsuccessful. It's also telling that from 221 applications for this funding round, only 59 were awarded (Fouzder, 2023).

#### Legal aid

There is a wealth of literature on the decimation of legal aid over the past decade, published by charities, regulators and (sometimes) newspapers. There are two key issues relating to access to justice being tackled: the removal of legal aid from certain areas of the law, resulting in those on low incomes being unable to access certain types of legal assistance, and the low legal aid rates being paid to barristers, which is driving firms and individuals out of those areas of the law (Hyde, 2023; Fouzder, 2023), reducing the available help for those who do qualify (Lexis Nexis, 2022).

There is also an issue around how long legal aid firms must wait to be paid – once the case has concluded – which severely affects the sustainability of the legal aid sector. This is shortly to be reviewed by the National Audit Office (Fouzder, 2023). That said, there has been some recent improvement to this, with monthly billing now enabled (Fouzder, 2023).

Criminal barristers are the most vocal supporters of increasing legal aid rates, not to maximise their earnings (if this were their main objective then they would surely have chosen another area of practice), but to protect the profession and the people it advocates for. Legal aid, they argue, is the cornerstone of our justice system, previously considered one of the best in the world. The Secret Barrister sums it up particularly eloquently in their first book, highlighting how defence legal aid permits the adversarialism that keeps the prosecution and the court system honest, keeps costs lower, protects victims and witnesses, and ensures nobody is denied justice through lack of means (2018).

Barristers' concern for the vulnerable is palpable. Writing a guest blog on [Thesecretbarrister.com](https://thesecretbarrister.com), criminal defence barrister Joanna Hardy-Susskind (2022) offers a moving insight into how her career began and why she does what she does; her account of the emotional impact the work has on her is haunting, and no doubt shocking to those who are not legal sector insiders.

Earlier in the same blog, Hardy-Susskind outlines her path to a legal career, how she found she had an aptitude for the work; she was from what some euphemistically call 'a non-traditional background', in this case not privately educated or with family members already working in law. This is another element which may nuance access to justice; under-represented groups are often more able to access a legal career through the criminal defence path, but diversity and inclusion may be under threat if it becomes unviable for those without independent means to live on legal aid rates. As Hardy-Susskind put it in an interview with fellow barrister Robert Rinder on *Talk TV* in July 2022, "if we're haemorrhaging kids that can't afford to do this job, we're going to end up with the posh kids," (News UK, 2022).

The walk-out action undertaken by barristers in 2022 just goes to show how desperate the situation is regarding the sustainability of the profession, impacted so heavily by the fact that legal aid rates have been stuck at levels seen in the 1990s (Fouzder, 2022). Only 4% of criminal duty solicitors are under the age of 35, which presents obvious challenges in succession planning, while the number of firms holding criminal legal aid contracts have dropped from 1,652 in April 2012, to just 964 in October 2022. "Each lost firm means fewer practitioners to respond to an ever-growing number of cases and ensure timely access to justice for victims and defendants," said Law Society of England and Wales president I. Stephanie Boyce, in an article on [Lawsociety.org.uk](https://lawsociety.org.uk) which highlights an

increasingly bleak outlook for access to justice via legal aid (2022). What is perhaps surprising is that this crisis has not been picked up as an angle by any media outlets or national newspapers, when other skills shortages, for example in engineering, result in a wealth of articles across the national and specialist press. It is not a leap to consider that the news agenda is influenced by politically motivated parties, as suggested by the Secret Barrister in their book *Fake Law* (2021).

Such openly dissenting voices are relatively rare. One wonders if this relates to the long hours and stressful working conditions; the job in hand takes considerable focus and energy, leaving little spare capacity. Indeed, it was unusual to hear such a chorus of frank and critical comments from junior barristers making it into the media during the 2022 action, although the strongest collection came, not unexpectedly, from industry body campaigning. The Law Society pulled no punches when it published a press release in May 2022, which included in its 'notes to editors' a raft of unequivocal survey responses explaining why criminal law is not an attractive career.

No mainstream media picked up this critical skills shortage story (published only in *Legal Cheek*, 2022), despite the fairly scandalous nature of the assertions made from within the profession.

It is certainly not the case that the Ministry of Justice is not acutely aware of the problems caused by chronic underfunding. A July 2021 report by the House of Commons Justice Committee on Legal Aid set them out very clearly. To summarise briefly: there is a rigid system of fixed fees and low pay, which results in difficulty recruiting and retaining staff; legal aid reform is necessary to provide high-quality defence, without which fairness cannot be delivered; there should be no cap on what acquitted defendants can recover from central funds; early legal advice can help courts run more effectively; the legal aid system needs to be simplified to make it easier for people to access services; there are 'legal aid deserts' in some areas, particularly in housing, while we are also in a housing crisis (Fouzder, 2023), immigration and community care; the current legal aid means test may also create a barrier to justice for the most vulnerable, so the government should consider changing the thresholds and regularly increasing them in line with inflation.

The government's November response (House of Commons Justice Committee, 2021) was underwhelming, to say the least, with verbatim responses to numerous points, plenty of vague placatory sentences, and a general feeling of putting off any meaningful debate or possible solution. For example, the phrase "We will address these issues in our response to [Sir Christopher Bellamy KC's] review and have committed to responding to the Review's final report before the end of 2021," appeared throughout. It is hard to come to any other conclusion than the fact that there simply is not the drive within government to ensure access to justice by funding the system appropriately.

The eventual deal narrowly accepted by criminal barristers (voting 57% to 43%) was a 15% rise in fees, compared to the original 25% they campaigned for (Casciani & Burns, 2022). The package of measures may have gone much further than had been offered by the previous Justice Secretary Dominic Raab, but many still consider it to fall short of what is required. Popular legal website Legalcheek.com published a story (Holmes, 2022) which was effectively a collection of responses from those within the profession to the news about the deal, leading with the ominously concise tweet from @KhadimAlHassan, “Monday 10<sup>th</sup> October the day the Bar died.” *The Guardian* reported that ‘Junior criminal barristers “despair” over pay deal in England and Wales’ (Siddique, 2022). Access to justice may not be quite as badly affected as before the pay deal was agreed, but the positive impact is merely a drop in the ocean.

Of course, it is not just barristers whose legal aid rates are woefully low, or who speak out passionately about “the power of legal aid to transform lives and defend the rights of ordinary people,” (Fouzder, 2023). In January 2023 the Lord Chancellor made the decision not to increase criminal defence solicitors’ legal aid rates by the bare minimum 15% indicated by the previous year’s independent review, which was deemed necessary immediately to “prevent the collapse of the criminal defence sector,” (The Law Society, 2023). It may have been deemed immediately necessary in early 2022, but in recent times it has been announced that the judicial review of this decision will take place in the weeks leading up to Christmas 2023, almost two years on (Fouzder, 2023).

It’s not just criminal legal aid cuts that have affected access to justice, but the removal of its application to other parts of the law, too. The cuts in legal aid that were introduced in 2014 as an effect of LASPO included large areas of social welfare law, immigration (leaving just asylum claims and immigration detention) and private family work (apart from divorces involving domestic violence; evidence of abuse is required).

For example, telephone gateways restricted access to legally aided early advice for those who think they have a legal problem relating to discrimination, debt, or special educational needs (Legal Aid Agency, 2020). Aside from the frustrating slowness of the process, telephone advice creates barriers for certain groups, such as those who don’t have English as their first language, or those with mental health conditions or certain physical disabilities. 2015 statistics from the charity Public Law Project illustrate a drop in numbers through the service since the gateway was introduced (Fouzder, 2015).

Aside from anything else, consideration of the impact on other budgets – for NHS mental health services, for example – caused by removing access to justice from some of society’s most vulnerable people simply wasn’t in evidence (Morris, 2014). There is some evidence for this false economy, also. A report by the World Bank Group sets out how for every £1 invested in legal aid, the state may save

more. Housing advice has the potential to save £2.34 for every pound of investment, debt advice £2.98, and employment advice £7.13 (The World Bank, 2019).

## Bureaucracy

Excessively complicated administrative procedures abound within the justice system; both lawyers and the general public find it hard to navigate, which not only increases inefficiency and costs, but contributes to a poor experience, too. As previously discussed, a poor experience can impact on a client's perception of their legal services provider's service, even when the reason for that poor experience lies outside their lawyer's control.

There is not a great deal of literature in existence highlighting where the biggest challenges lie in terms of legal system bureaucracy – perhaps because those most familiar with it spend long hours embroiled in it, leaving little time for much else. There are some examples to be found, however they focus more broadly on inefficiency rather than drilling down to the level of bureaucracy.

There is a flurry of reports and news stories shortly after LASPO was introduced, including most notably the *Review of efficiency in criminal proceedings* by The Rt Hon Sir Brian Leveson (2015). The introduction references the crux of the bureaucracy issue quite speedily: “Rather than seeking to bolt procedures onto a system initially designed for the 19th century (as has been the practice for the last 50 years), I have tried to identify ways in which our current procedures can be adapted to make the best use of the skills, resources, IT and systems available.” Much like software developers speak of ‘technical debt’ when referring to the issues that result from patching up legacy code, the justice system is suffering from a similar problem, with ‘updates’ overlaid on an historic design – though accurate, this is perhaps the least appropriate analogy in some senses, since one of Sir Brian Leveson's key findings was that actually paper-heavy processes are part of the problem, and digital technologies have the capability to significantly streamline procedures.

Indeed, there is a whole section on the CJS Common Platform, which is intended to digitise case management. However, as we will see further on in the section, this vision did not quite come to pass.

In 2016, the National Audit Office's *Efficiency in the criminal justice system* covered similar ground, and was drawn on heavily by a subsequent House of Commons Committee of Public Accounts publication, also titled *Efficiency in the criminal justice system* (2016). While acknowledging the difficulty of quantifying ‘efficiency’ owing to the complex nature of the system, and its many different bodies, the NAO report drew some fairly damning conclusions about causes of inefficiency – aside from financial pressures and the need for digitisation, pinpointing the fact that parts of the system have strong incentives to work in ways that create cost elsewhere.



A report by the Bach Commission on Access to Justice, *The crisis in the justice system in England and Wales*, also published in 2016, particularly references bureaucracy in the Legal Aid Agency: “As Richard Miller in his oral evidence to the Commission told us, while the Legal Aid Agency’s budget has been cut by 25 per cent since LASPO, administration costs stayed static at over £100m in 2014-2015 and rose by £2.1m in 2015-2016. This despite the MoJ’s avowed aim to reduce the administration budget by 50 per cent by 2019-2020.”

Despite this expenditure, the LAA services “appear to be dysfunctional.” I would suggest this is an understatement. The report goes on to explain that the new digital cost case management system (CCMS) was expected to be more efficient, but in fact replaced a four-page form with a 13-page form, and, according to Ben Hoare Bell LLP “the system frequently crashes, does not work effectively, does not allow for emergency applications and is on a regular basis leaving children in situations of significant harm for weeks, often months at a time.” In addition, “as the Mary Ward Legal Centre points out, ‘trying to get paid by the Legal Aid Agency at the end of a case can be as much of a battle as getting the legal aid granted in the first place.’”

Under such inefficient circumstances, with incredible levels of frustration at not being able to carry out a simple task speedily, it’s no wonder that the public is experiencing slow and stressful encounters with the legal system (Miller & Bornstein, 2012), and lawyers are choosing other employment (Holmes, 2022). It’s also no wonder why levels of burnout are so high in the sector, especially amongst the younger generations (Beioley, 2021). This is not only a concern for the delivery of legal services in terms of current clients’ wants and needs, but for the future of the profession, and future clients.

## Digitisation

The poor standard of some online tools intended to increase efficiency highlights the fact that not only has the justice system been slow to digitise, compared to other organisations, but it isn’t even getting the basics right. Indeed, a BBC News story in September 2022 revealed that the situation is so bad that justice is actually being compromised by the Common Platform (Harte & Robinson, 2022).

This is perhaps partly founded in the fact that we are not talking about a coherent system but a collaboration (though that is not an accurate term, for the most part) between a number of constituent parts, including police forces, the Crown Prosecution Service (CPS) and other bodies who can bring prosecutions, and HM Courts & Tribunals Service (HMCTS) – plus there are there are also the interactions of and parts played by alleged victims, witnesses, victims and witness services, prisons, probation services, the judiciary and lawyers to be considered. It might be considered,

however, that members of the public do not necessarily make distinctions between the different bodies involved; to them it is the justice system singular, and they expect to be treated justly.

Reimagining the way the system works is no simple task when it is this complex and features so many moving parts, and for the optimal positive impact this approach would be needed. Pure digitisation, digitising existing processes, is not likely to improve quality or functionality, it is more likely to simply make existing poor processes run more quickly, which does not necessarily equate to better efficiency. And there are many other factors which will not be solved through technology alone. *The Secret Barrister* (2018) concurs, but points out it is not a panacea.

Aside from the technical challenges thrown up by such a huge and critical function, there is the difficulty of development management – corporate organisations might use cross-departmental teams in such a scenario, but here we would need cross-system alliance to try to get proper oversight of the requirement, and drive it through the development process to go-live. The task at hand is gargantuan.

This is why it is disappointing to see that, in 2022, when larger businesses are pushing the boundaries of true digital transformation – not simply digitisation – the justice system is so far behind in its thinking. This is especially noticeable when you consider that other countries are forging ahead with their innovative approaches, for example, the world’s first digital economy court in Dubai (Cross, 2023).

The *Ministry of Justice digital strategy 2025* (2022) is a case in point. The strategy goals and the language used to set them out will be familiar to anyone who’s taken an interest in the type of digital transformation we have been seeing in recent years – a reimagining of how work gets done, not simply the digitisation of processes designed before the capabilities of technology became transformative. Although the justice system may be some way behind many parts of the private sector in this process, this may prove a benefit in some senses, since lessons have already been learned, and new mindsets already proven to reap rewards in some industries. It also means that there will be expertise out there, ready to be recruited, provided the salaries, benefits and working environment are sufficiently appealing.

Aside from the sheer size of the challenge, part of the reason for such slow adoption of technology is likely to be risk aversion – legal firms may test out discrete legaltech solutions on a small scale, in sandbox environments, whereas this is not an option when it comes to digitally transforming the system itself. Even within the more agile environment of a law firm – though how agile depends on how forward-thinking their leaders have been in recent years – legaltech is viewed with some caution. A report commissioned by the Legal Services Board, *The use and regulation of technology in*

*the legal sector beyond England and Wales* (2019), found that although the legaltech sector is growing rapidly around the globe, although it is still small in proportion to the overall size of the legal sector. Investment in legaltech is also increasing, but it is dwarfed by the growth of such digital transformation from other sectors, such as financial services.

Currently, 80-90% of legaltech is used within B2B markets, but there is great potential for positive benefits for consumer legal services, and some evidence that this is beginning to happen. In commercial part of the sector at least, lawyer and legal advice platforms are growing. Some are designed to create a pipeline for lawyers, while others offer DIY access to expertise with onward referral if required. Some legaltech addresses consumer needs in a different way to traditional legal services. Many focus on simplifying complaints procedures (challenging a parking ticket, facilitating an airfare refund) but others are addressing more complex legal problems such as divorce, immigration, will and succession, with a customer-centric approach. Online dispute resolution (Cross, 2022) and small claims services are increasing, although for these business models to succeed, they need to have the support and recognition of the courts.

For the customer to experience consistency and a frictionless experience, their touchpoints with the justice system itself – and their lawyers' touchpoints, too – should be consistent with their experiences in the commercial part of the legal sector, and at least begin to show some synergy with digital experiences in other parts of their lives. The potential for legaltech to improve access to justice and experiences of interacting with the legal system is most clear in the Legal Services Board's publication *Reshaping legal services: a sector-wide strategy* (2021), which begins with a short outline of the impact of the sector on people, before its importance in terms of the economy, global influence and its relevance to a wide variety of organisations, firmly setting the consumer's needs at the heart of the strategy. The strategy is set out under three headings: fairer outcomes, stronger confidence and better services.

Naturally the reach of the strategic objectives is extensive, but the wants and needs of the public can be considered the same whether dealing with a legal system touchpoint in the public or private sector.

But the aforementioned caution within the sector is not entirely misplaced; although risk-aversion may be one of the barriers to digital transformation, it is also a legitimate concern. A recent Justice and Home Affairs Committee report *Technology rules? The advent of new technologies in the justice system* (2022), explores the use of AI and other algorithmic tools in activities to discover, deter, rehabilitate or punish law breakers. While acknowledging the many benefits, the Committee was shocked by the proliferation of such tools being used without proper oversight, particularly by police

forces. Public awareness, government and legislation have not kept up with the developments in the technological landscape, so to minimise the risks and maximise benefits, the report states major reform is necessary.

Digital technology certainly has the potential to improve the experiences of all those involved in the justice system – and widen access, too – when properly implemented. But in its current state the digital services available appears to hinder rather than facilitate the smooth running of the legal system, and therefore result in poor experiences for all involved.

### Politics, the media, and public perception

Public perception of the justice system, given the lack of meaningful PLA, is frequently drawn from two channels: the media and politics (with the latter often using the media as a conduit). These are the sources from which people tend to formulate their understanding, providing context for their expectations when they find they may have need of legal services.

The problem comes when people do not realise that the messages they are fed through these channels are designed to achieve objectives that go beyond explanation or news reporting. In the media world, especially now print has waned and we are in a digital era, stories are now written and headlined to invite more clicks; sensationalist angles are often favoured over the more sober reporting of fact we might have seen more of in previous decades, and this is no longer a trend confined to the tabloids. With print advertising revenues damaged by companies rerouting budgets to digital marketing and advertising, the media can only reinvent itself for the digital ages, where clicks are the new circulation figures (Communications and Digital Committee, 2020).

It may have been a change intended to increase public engagement with the justice system, but one cannot help but feel the 2022 change in the rules about allowing cameras into the Crown courts of England and Wales (Fouzder, 2023) might be open to the same manipulation as written stories. Video is an increasingly popular way that people consume media online, and it is just as susceptible to careful editing in order to support an agenda – it is arguably more persuasive to see something with your own eyes than read a report of the same event, meaning that video's power to influence is likely greater, too.

Strong media and information literacy help the public to discern fact from sensationalism, in whatever form it appears, although it would seem there is a disconnect between people's confidence in their own abilities to distinguish fake news from fact and the actual status quo – according to Full Fact's 2019 report *UK public engagement with politics, information and news* (Sippitt, 2019), "people trust the news they consume more than news in general." This is unsurprising: people generally don't know what they don't know, and as I mentioned in '3.1 How legal understanding (or lack of it)

impacts consumer expectations', Edelman's *Trust barometer 2021* indicates that fewer than 1 in 4 people have good information hygiene.

The media's portrayal of the justice system has changed over recent decades. *The Cairncross review* in 2019 reported a decline in reporting on democracy, with reduced journalist attendance at local councils, courts and public bodies, as these stories do not help to support online revenues.

As the Secret Barrister explains in their book *Fake Law* (2021), which centres around the idea that the media is misrepresenting the law and how it works, and as a result is influencing public opinions about the system, media narratives are being deliberately configured, either for engagement metrics for the platform or attempts by vested interests to undermine our individual rights and protections.

Later in the same book, they highlight the fact that there is a close link between political spin and the direction that reporting on legal system issues has taken: "Mr [James] Slack was the author of almost every legal-aid story in the Daily Mail between 2008 and 2017... In an example of the familiar revolving door between journalism and politics, he accepted a position in 2017 as Prime Minister Theresa May's official spokesperson, a role which he retained after Boris Johnson entered Downing Street in 2019."

Unsurprisingly, in addition to the impact of pure media sensationalism, the public's perception is also shaped by political messaging, especially when it comes to election pledges. The rhetoric of being 'tough on crime' has been used by both the Conservatives and Labour since the late 1990s, and it has been a refrain that appeared to go down well with the electorate (Wynn Davies, 1997). It may be a popular stance with voters, but it also has the effect of 'othering' those who must interact with the justice system, which – combined with the lack of general knowledge about the law and the UK legal system – helps to engender the myth that the average law-abiding citizen has no need to engage with the legal system. If the 'others' are impacted by the removal of legal aid for certain parts of the law – as we saw happen in 2014 – then the implication is the general public has nothing to worry about, it is only those not abiding by the law who will suffer. Only, of course, this isn't true. For example, innocent people have been left out of pocket, sometimes even in financial ruin, by being wrongfully accused, since changes in 2014.

### **Chronic underfunding**

With the public – on the whole, though there are a few concerned voices offering a more humanitarian stance (Jenkins, 2019; Ryan, 2022) – being fed the story that the justice system is for 'others', the outcry over chronic underfunding (and indeed the cuts to legal aid in 2014) has been minimal. It has been left to those within the profession – with the knowledge and understanding of

what has been lost – to campaign for a properly funded justice system that promotes access to justice (The Bar Council, 2020).

A report commissioned by the Bar Council *Small change for justice: funding for justice in England and Wales (2010-2019)* (Chalkley & Chalkley, 2020) highlights just how dire the situation has become. The report's conclusion is unequivocal: the justice system has been in substantial decline for a long time, owing to lack of funding, and the additional impact of COVID-19 will be potentially catastrophic. "To restore spending to 2010 levels per person, after adjusting for inflation, requires an extra £2.48bn of spending on the justice system and an extra £2.33bn on the police. This total of £4.81bn per year equates to additional funding of just over 22p per person per day in England and Wales."

Chronic underfunding of the justice system (swingeing cuts in budgets, especially when it comes to police practice, court processes, and legal aid), and legislative changes designed to reduce spend, have had a ripple effect, resulting in rigid and bureaucratic processes, huge delays in the serving of justice, recruitment challenges within the industry, a drop in standards, outdated IT systems, reduced access to justice for huge numbers of people, and an increase in litigants in person – which brings with it its own inefficiencies, delays, and barriers to just outcomes.

The end result has been to squeeze every part of the system, including law firms, to do more with less, and reduce the positivity of the client experience on multiple levels.

## Literature review: business practice

We have already discussed in '4.1 Legal system: historic convention' that the legal sector has been slow to evolve compared to other industries. This has been for a number of reasons, including caution over perceived risks, inertia relating to the partnership model, and a focus on excellence in law rather than excellence in giving the customer what they want and need.

For the most part, any review of business practice intended to inform a law firm strategy designed to ensure the customer gets what they want and need, must look beyond to other types of organisation – just as the consumer would reference other purchasing experiences to benchmark their satisfaction with buying and using legal services. Of course, there are some examples of evolution within the sector, though the most visible of these are the larger firms, with the budget and the PR resource to highlight their achievements and developments – and, sometimes, the support of private equity (Hyde, 2023). It is therefore harder to get a picture of how high street firms are transforming to meet the needs of their increasingly demanding customer base.

## Digital transformation

Digital transformation is a term that entered our lexicon in the 1990s, although it is fairly recently that the distinction between digitisation and true digital transformation has been recognised – and even then, there is still a tendency to use the terms interchangeably. In this paper I use 'digitisation' to refer to the use of technology to make existing processes and communications more effective and efficient, and 'digital transformation' to describe the reinvention of organisations' offerings, ways of working, and communications, to leverage the power of digital to improve business performance and stimulate growth (Schallmo, Williams & Boardman, 2015).

## Broad technology trends and learnings

In the wider business landscape, technology has transformed the way organisations operate in terms of business models and value propositions, and the way that stakeholders experience touchpoints with them (Berman, 2012). As time has gone by, IT has become a central function, it's no longer about computers and networks facilitating business operations, but being inherent within all aspects of the business, and a driver of reimagined operations. As a result, at boardrooms worldwide there is now a seat for the CTO (IBM Institute for Business Value, 2021).

However, technology is not a silver bullet and successful digital transformation is more about the way processes and workflows are redesigned and managed as the specific hardware and software involved. Over four years of conversation with more than 16,000 businesspeople worldwide, regarding the impact of digital disruption, the authors of *The technology fallacy: how people are the*

*real key to digital transformation* (Kane et al., 2019) concluded that technology alone isn't the answer to digitisation. Talent, culture, adaptability and leadership matter most.

Digital maturation is not optional, they go on to say, leaders must act. If companies do not evolve, they will not only fail to secure competitive advantage in terms of working practices, because technology has the power to improve the customer experience (Hayek, 2023), but employees may leave for more innovative competitors – either because they have foreseen the consequences of inadequate digitisation, or simply because the right technology can improve the experience of being at work (Collins, 2023; Nesbit, 2023). The legal services sector, as it stands, is certainly a candidate for this sort of disruption, having been for the most part retaining traditional attitudes to business operations – the very definition of Clayton M. Christensen's 'innovator's dilemma' (1997).

AI in particular could prove a significant challenge to the business of some lawyers, as it has been mooted as capable of being at the heart of a lower-cost legal services; this is already being developed in some areas of the law, including debt recovery (Rose, 2021) and immigration (Flinders, 2021), with scope to extend into other specialisms. What is perhaps more likely, at least in the shorter term, is for AI to become a 'copilot' in the workplace, enabling humans to supercharge their working practices and accelerate their productivity (Avenade, 2023). Two thirds of participants in a recent survey by LexisNexis said they had mixed feelings about the impact of generative AI on the legal profession, admitting that they can see both the positives and the drawbacks. This was particularly true for respondents from large law firms, with 76% holding mixed views (Lexis Nexis, 2023).

Getting left behind in the race for innovation is also becoming harder to rectify, as technology is evolving at ever-faster rates. "In simple terms, we use our new computers to design even faster new computers, and this creates a positive feedback loop that further accelerates our acceleration," Diamandis and Kotler explain in their book *The future is faster than you think: how converging technologies are transforming business, industries and our lives* (2020). They go on to explain how technologies from AI to robotics, nanotechnology to virtual reality, blockchain, biotechnology and 3D printing are all developing exponentially, and their convergence also contributes to acceleration. This unprecedented pace of progress has led to secondary effects, which further contribute to faster change across sectors and a wide range of stakeholder experiences (with relevance to both customer and employee), including time savings, access to capital, demonetisation, levelling the playing field in terms of diversity, communications abundance, new business models and longevity.

With such wide-ranging consequences of the availability of increasingly sophisticated technologies, businesses are compelled to get to grips with digital transformation, as it has such an impact on the market and on the competition (Harvard Business Review Analytic Services, 2017). In PwC's *Pulse*



*survey* (2022), 60% of executives cited digital transformation as the most important growth driver, while according to Gartner's *2022 CIO and technology executive survey* (Panetta, 2021), CIOs expect IT budgets to grow 3.6% over the next year, which represents the fastest year-over-year growth rate in more than a decade, illustrating the importance business leaders are placing upon digital.

Best practice in digital transformation centres more around the process than the specifics – since each organisation's evolution will look markedly different, and the focus should be on business innovation rather than technology as such – and there is a wide range of tools available to create a suitable framework. Popular options include the Business Model Canvas (Mueller, 2022) which relies on iterative refinement driven by customer testing to achieve the right balance between nine key elements (key partners, key activities, key resources, value propositions, customer relationships, channels, customer segments, cost structure and revenue streams), and the Digital Maturity Model developed by Deloitte and the TM Forum (2017), which takes a similarly iterative approach across the five business dimensions of customer, strategy, technology, operations, and organisation and culture, to create a roadmap for transformation.

Of course, with opportunities come risks, and although these may have been the reason behind many a firm's reticence over transformation – lawyers being famous for risk-aversion – not every company has mitigated them accordingly (Fouzder, 2023). In any type of business, it has become increasingly important to not only invest in digital security measures, but insurance cover for losses incurred through digital attacks – since these have increase exponentially in number and audacity in recent years (AAG, 2023).

### How COVID-19 accelerated technology uptake

When the world was hit by the global pandemic in March 2020, organisations had to rapidly reinvent the way they ran their operations (Reddy & Morelix, 2020). With mandatory lockdowns affecting commuting employees and visiting customers alike, remote working and online purchasing became the norm for many, while in people's personal lives, socialising had to be done without meeting in person. The increased uptake of digital technologies was significant (BBC, 2020).

Microsoft declared that within two months, we saw the amount of digital transformation you might expect to happen over a period of two years (Spataro, 2020), while McKinsey's research indicated that "companies [had] accelerated the digitisation of their customer and supply-chain interactions and of their internal operations by three to four years," (McKinsey, 2020). In addition, McKinsey's findings suggested that "most respondents recognise technology's strategic importance as a critical component of the business, not just a source of cost efficiencies," while consumers have moved dramatically towards online channels.

Consumer behaviour – and consequently expectations (KPMG, 2021) – shifted significantly when the pandemic provided a compelling reason to choose online activities, and for digital novices to get to grips with technology (*The Economist*, 2021). Deloitte’s *May 2020 digital consumer trends survey* revealed that about 40% of respondents did more online shopping during lockdown, 14% had more remote appointments with health practitioners, and a third streamed more TV of films. Between 14 March and 14 April, nearly six million people used online banking for the first time. Levels of expectation regarding the continuation of this digital preference after restrictions were also high. 62% of respondents thought they would continue to use online banking as frequently, while 50% intended to maintain levels of online shopping, and 45% planned to keep on streaming media, and 25% would intend to make virtual appointments with medical staff.

### Digital maturity in the legal sector

The legal sector is quite well-known to be a digital laggard. Indeed, Professor Richard Susskind OBE – an author, speaker and independent adviser to major professional firms and national governments – has written several books over the past three decades on the subject of how significantly digital transformation will affect the profession.

In his 2008 book *The end of lawyers? Rethinking the nature of legal services* Susskind talks about IT advances and commoditisation of the law resulting in legal services being broken into product segments and given to the lowest-cost provider – outsourcing, multi-sourcing, and offshoring. He sets out four models of future legal business, facilitated by technology in this way, though it is not the only factor. “The recession has made it clear for all time that traditional law firms are inefficient, that new ways of sourcing legal work are possible and that legal costs can be cut radically,” he says. On why digital disruption may be more unsettling in the business of law than in other sectors, Susskind notes: “Online legal services can remove lawyers from the legal supply chain. And there is nothing much more disruptive than being disintermediated in this way.”

While much of this type of disruption may seem to apply mostly to large firms with corporate clients, rather than high street firms with private and SME customers, the latter must still contend with digital transformation in order to meet the expectations of an increasingly large number of digital-native consumers whose expectations have been set by their experience of purchasing other products and services. Change can be hard to manage in large law firms (Easen, 2021), but that does not mean that it is easy in smaller firms; barriers can include a lack of capital for investment, a lack of internal technical knowledge, and a scale which can lead to regulatory uncertainty (Brown, 2021).

There is a small number of resources to draw upon to benchmark digital maturity in the legal profession. A report commissioned by the Solicitors Regulation Authority, *Technology and innovation*

*in legal services: final report for the Solicitors Regulation Authority* (Sako & Parnham, 2021), offers an investigation into the status quo within the sector. The research team carried out an online survey of nearly 900 SRA-regulated firms, 50 interviews with various stakeholders, and analysis of databases (Burning Glass, Legal Technology Hub and Crunchbase). Put succinctly, the findings revealed that COVID-19 had been key in driving a step-change in technology adoption and innovation. Legal services providers also see technology as a way to increase quality and efficiency, as well as to fulfil unmet legal needs.

There are however barriers to adoption, the report continues, especially for providers whose customers are individuals and small businesses, including regulatory uncertainty, lack of staff with the appropriate knowledge, and lack of financial capital. Regulators and policymakers must have a remit to promote innovation and legal technology adoption, particularly focusing on enhancing trust in the use of legal technology, clarifying the covering of technology risks by professional indemnity insurance, and facilitating data protection compliance.

The report also highlights that SRA-regulated PeopleLaw (the individual and small business sector) firms are less innovative, less likely to adopt legal technology, and more likely to face barriers to adoption (financial, staffing, regulatory uncertainty) than BigLaw (the corporate client-facing sector) firms, while SRA-licensed alternative business structures (ABSs) are more innovative and more likely to adopt legal technology than non-ABSs. The majority of ABS firms are in PeopleLaw (mostly wills, probate and conveyancing), while a small number of large ABSs serve BigLaw clients (set up by large law firms and Big Four audit firms). It also noted that in some areas of PeopleLaw, off-the-shelf technology is not available, pushing up the cost of adoption (through bespoke product commissioning). Law firms typically create their own solutions from generic technologies, but this is hampered by an absence of in-house expertise and resources.

In the same year, 2021, the Legal Services Board published a report which tackles the issues around one of the most significant barriers to technology adoption: risk. Unequivocally stating the positive impact technology can have on access to legal services, the publication highlights the importance of evaluating the risks as well as the possibilities of technology's transformative potential, and how regulators have a mandate to create an environment that encourages responsible technology innovation.

It goes on to detail that the 'wait and see' approach taken by the legal services sector so far can be partly attributed to concern over the risk of excluding consumers without the necessary digital skills, and businesses which are not financially able to invest in digital infrastructure and skills. Other obstacles include the disconnect between innovators and regulatory understanding, the traditional

partnership model and how it can inhibit investment in technology infrastructure and skills, and a lack of high-quality data to inform the development of tech solutions.

The executive summary concludes with a paragraph which summarises the importance and opportunities of innovation, and how collaboration within the sector (and beyond) will be key: “While technology is not a silver bullet to all the challenges facing the legal services sector, it is an important tool that can help unlock access – for professionals and the public. Embracing its opportunities relies on a shared understanding of the enablers, and barriers, to technological adoption and on interested parties stepping forward when they can. This relies on effective joint working and common approaches, wherever possible. By working together to foster responsible innovation, technology can help reshape legal services and better meet society’s needs.”

This drive to use technology to improve access to legal services for those in the ‘legal gap’ (Gorst, 2019) is particularly pertinent to high street firms, owing to their consumer focus. The growth of a customer base in this way may not align with more traditional approaches to revenue growth (which often focus upon areas with the highest margin), but with the right technology in place the benefits may outweigh the costs – not only through at-scale provision of legal services which require minimal time and effort once set up, and through reputation-driven brand awareness (since we know that recommendation and referral are key drivers in consumers’ law firm choices).

What is not known is how many firms are thinking of innovating along these lines. The fact that the SRA partnered with Nesta Challenges on the Legal Access Challenge (SRA, 2020) suggests that it was felt innovation along these lines required an impetus; although the number of entries seems healthy (117), most shortlisted entries were not from law firms, however, rather from charities and tech companies, supporting what we already know – that tech innovation within high street firms is more likely to come from white label products rather than law firms’ own projects.

In short, high-street firms find it harder to digitally transform in the true sense of the word, although – pushed by pandemic lockdown conditions – they have to some extent digitised their offering. There has been considerable uptake of discrete technologies to digitise day-to-day client communications and case management among law firms (for example, InfoTrack (for client onboarding), DocuSign, virtual meetings on Teams and Zoom, and remote access to files) – but even large firms were only just adopting such technologies when COVID-19 hit the headlines (Allen & Overy, 2020).

## **The customer journey**

In recent years there has been a significant trend towards building customer-centric (Fader, 2020) businesses – or evolving into them (Tseng & Piller, 2003) – to cater for an increasingly well-informed consumer (Perkins & French, 2014), with increasingly high expectations (Delves & Opinium, 2022).

Some of the world's most successful and recognisable brands – including such behemoths as Amazon (Amazon, 2022), Starbucks (Fader, 2020) and Google (Google, 2018) – are explicitly customer-centric, to ensure competitive differentiation and drive growth through ensuring positive consumer experience at every step of the customer journey. “The right order in which to do things is to use customer insight to inform the service proposition, to design the customer experience from that and, finally, to develop the capabilities needed to deliver it,” explain Heapy, King and Samperi in their 2018 book *Customer-driven transformation: how being design-led helps companies get the right services to market*.

### Customer-centric, purpose-driven organisations

Customer centricity as a strategy was still relatively rare in 2011, when Peter Fader published the first edition of his groundbreaking book *Wharton executive education customer centricity essentials*, but it has since increased in popularity, and aligned with another trend in business: purpose (Heatt, 2014). In his book *The power of customer experience* (2021) Martin Newman explains how purpose-driven customer-centric brands retain customers better, which not only drives up profitability but also creates a community of advocates who will share positive opinions about a brand on social media and via word of mouth. Given the importance of recommendation amongst legal services consumers (LSCP, 2022), this approach should certainly be of interest to high-street law firms. Gary Vaynerchuk's book *The thank you economy* (2011) also chimes here: “Social media has transformed our world into one great big small town, dominated...by the strength of relationships, the currency of caring and the power of word of mouth.”

Newman goes on to advise that growth through customer retention and referrals requires the tracking of customer wants and needs; staying relevant over time is critical, and long-term value is required to create loyalty. Companies which succeed are agile, ensure brand consistency across the whole customer journey, and focus on delivering personalised experiences. They are also characterised by a long-term strategic view, and cultures which view failure as a learning experience. Disruption is perhaps inevitable, but the risk of failure can be mitigated by four key policies: differentiation and relevance, service or product development, prioritising employees' needs, and being truly customer-centric. He concludes, investing in the customer journey, and in the employees who facilitate it, will show positive impacts on KPIs and P&L.

Although the legal sector is often quite slow to take on new ways of thinking, there is evidence that some law firms are buying into this purpose-driven philosophy, and “think of themselves as trailblazers, breaking away from the conventional profit-driven models to put societal impact and the experience of their employees at the forefront of their operations,” (Hayek, 2023).

And just at the right time, too. In the post-COVID business landscape, the power of customer-centricity has only increased. A 2021 report by Accenture, *Life reimagined: mapping the motivations that matter for today's consumers*, outlined the fact that the pandemic created a wholesale shift in thinking amongst consumers, putting more emphasis on relationships and responsibilities. The report posits that the move towards different differentiators was already being seen, driven by easy access to online information about purchases to easily ascertain price and quality, but that it was accelerated by the pandemic. Key takeaways included that living through the pandemic drove higher demands in terms of service and brand experience, consumers want to maintain previously forced digital transactions and 'everywhere commerce', corporate responsibility is now more important, while trust and reputation have become an even more significant factor. Agile companies looking to evolve to continue to fulfil customer wants and needs must now re-engineer, reimagine and rethink their offerings to suit the new normal.

Tracking customer wants and needs, and communicating value propositions that speak to these wants and needs, requires fresh thinking too. Previous methods for defining and engaging consumers are no longer fit for purpose. In their book *Data driven: harnessing data and ai to reinvent customer engagement* (2018) Chavez, O'Hara and Vaidya set out three core principles for data-driven marketing, which relies on a suitable data management platform that can be interrogated so that digital marketing communications reach the right person (segmentation), be in the right place (activation), convey the right message (personalisation) at the right time (optimisation), and above all offer insights about each campaign to inform and hone future campaigns.

Another evolution in marketing practice which supports a more customer-centric approach to the customer journey is the buyer persona. Buyer personas are composite portraits of market segments which can be used to refocus marketing efforts on customer priorities, based on in-depth knowledge about the customer base. Each persona is an archetype, and in contrast to the demographic information often used to segment markets (age, education, income), they offer insight into the when, how and why of a buying decision.

As Adele Revella explains in her 2015 book *Buyer personas: how to gain insight into your customer's expectations, align your marketing strategies, and win more business*, the process of developing these begin with customer interviews (avoiding active prospects), to trace the decision-making story from beginning to end. Questions should cover the original reason the prospect started looking for the product or service in question, the objectives of the purchase, perceived barriers to purchase, the buyer's journey, and the decision criteria. After eight to ten interviews Revella suggests reading through the transcripts, to look for patterns and identify quotes that address the five elements covered. The idea is to combine these insights into a single buyer persona; a composite that reflects

the group's attitudes. It's possible that only one buyer persona emerges, but there may be a need for several. No more than a handful should be required, however. Once created, these buyer personas should be communicated across the company, so that everyone is familiar with the customer archetype/s, and enabling the alignment of all aspects of the customer journey with the buyer's wants and needs.

Content marketing, too, is a fairly recent evolution of business practice relating to the customer journey, and enables the brand to not only demonstrate their specialist knowledge, but to play the part of helpful adviser to the prospect, and cement a positive brand experience from the start – even if a buying decision is some way off. In his 2017 book *Top of mind: use content to unleash your influence and engage those who matter to you* John Hall explains that the simple formula for becoming a buyer's 'top of mind' choice is that trust plus consistency lead to opportunity. The goal is to inspire people to think of the company at the right time, when they have need of its products or services.

This can be achieved, says Hall, by altruistically providing support. This might be through expert advice online content, by facilitating networking or referrals, or by endorsing someone else's brand. By consistently reaching out with something of value, relationships can be built and fostered, ultimately resulting in being front of mind at the right time. Although Hall does not specifically mention the legal sector, this approach is certainly of great effectiveness in a complex knowledge industry context, especially when dealing with consumers. Many consumers do not have enough knowledge of what they want or need when they have a legal problem or require legal services, and content can not only help them to grasp the basics, but also feel informed and empowered, as well as looked after by a particular firm, before they're even asked about costs. If consumers don't quite know where to go for legal advice and services when they start researching their issue online, then there is a big opportunity for firms to guide and inform, positioning themselves as trustworthy experts, and capture that enquiry.

### **The customer-centric law firm**

There is a small number of resources specifically tackling the topic of customer-centric law firms, notably some of these form part of legaltech firms' own content marketing strategies.

For example, Case Status, a mobile client portal and messaging platform for law firms in the US, published an e-book which sets out a manifesto for becoming a client-centric legal practice. Split into three key sections which roughly speaking correspond to the transformational journey of the organisation (cultivating client relationships, becoming a client-centric law firm, and maximising

reach by giving clients a megaphone), this guide of course sets out a strategy that is well-supported by Case Status's product.

LawNet's white paper *LawNet mark of excellence: lessons for law firms* (2019) offers a very similar rationale for taking a client-centric approach, based on what is described as the biggest ever CX research project conducted in the sector. Three key tactics are advised for improving client experience, titled empathy, nurture and growth:

- Empathy – developing a keener sense of what a client might be experiencing during interactions with their law firm is key to delivering a more personalised service and fostering a deeper (longer-lasting) connection. Client journey mapping through awareness, consideration, instruction, service and loyalty – segmented as necessary depending on the service, channel, or demographic/sector/business size – is key here, as is the involvement of all client-facing staff (as well as IT and HR specialists).
- Nurture – the client experience must be nurtured at every stage, to build trust and ensure satisfaction, and solicit feedback that can be acted upon. Being kept up to date with progress, sticking to timescales (or explaining why they must change), and regular updates on costs are the three aspects that the research has shown law firms need to focus upon. Digital transformation can help address customer demands, while other simple changes can reap rewards, such as staggering lunchbreaks within departments. With word of mouth still as powerful as it always has been (though with a greater reach, thanks to social media), the gap between client expectation and business performance must be closed.
- Growth – ensuring that the CX is exemplary right from the initial enquiry is key, not just from client onboarding. This might entail new processes, a specific business development team, additional training in sales and negotiation skills, or a sales director on the board to help guide improvements in conversion rates.

Law firm development specialist Law Firm Ambition takes a similar approach to educating its potential customers – with an SEO-friendly article on 'how to build a client-centric law firm' (Massingham, 2020). This short article is clearly a promotion of the author's business services, but it also highlights the simplicity – in one sense – of the shift to a client-centric approach, with a five-point checklist:

- Client journey – has it been mapped out, to discover the weak points and barriers?
- Understanding clients' needs – ask open questions about current needs and future ambitions, to help deliver growth.
- A choice of pricing mechanisms – offer a choice of hourly rate, fixed price, blended rate and capped rate, so clients can choose whichever they feel offers them best value.



- Technology investment – focus on augmenting the lawyer-client relationship, not replacing it. For example, an e-signature tool makes document completion quicker and easier, but an automated phone menu might act as a barrier to clients and prospects (even if it saves the receptionist time).
- Strategic decision-making – the client voice must be evident here. A non-executive director can help a board re-frame decisions through a client perspective.

In reality the transition is more complex than these five points might indicate, but this is perhaps more a challenge of culture, mindset and habit (and also symptomatic of the fact that the article isn't intended to tell you how to complete the process, but employ the company to consult on it).

A particularly interesting example of law-firm-aimed marketing assets sharing knowledge about consumer decision-making is found at First4Lawyers.com, with a white paper aimed at persuading law firms to join the legal brand's panel. *Choosing a lawyer: What drives consumers?* (2020) is based on a study conducted by IRN Research, who surveyed 100 PI and general consumer firms to find out their marketing activity, spend, and understanding of their client base.

Naturally, being focused on personal injury claims means that the statistics presented within this white paper are not all representative of the legal sector as a whole, but they certainly make illuminating reading in the context of more commoditised legal services. A significant takeaway is that there's a discrepancy between consumer and lawyer perspectives. For example, 68% of solicitors expected consumers to shop around before making their final choice, whereas only a quarter of PI clients said they did so, and 42% of PI consumers spent a day or less searching for a legal provider, while only 21% of PI solicitors thought it would take consumers less than a day to do this.

The Competition and Markets Authority's (CMA) report on the legal services market in 2016, *Legal services market study*, noted that "consumers generally lack the experience and information they need to find their way around the legal services sector and to engage confidently with providers. Consumers find it hard to make informed choices because there is very little transparency about price, service and quality... This lack of transparency weakens competition between providers." First4Lawyers' research shows that perhaps not a lot of progress has been made, since it backs up the CMA's findings, although figures from the Legal Services Consumer Panel's annual tracker survey suggest there has been some movement – the proportion of consumers who shop around before choosing a legal services provider has slowly increased since 2011 from 19% to 30% in 2020.

Another key takeaway from the First4Lawyers paper is the fact that PI specialists are more likely to have a marketing spend at the top of the scale than general firms – which aligns with the fact that PI has developed as a national area of practice, and consumers lean towards recognisable brand names.

Finally, a more in-depth approach has been taken by Jack Newton, CEO and co-founder of legal case management software Clio. His book *The client centred law firm* leads readers through a broad range on insights into the benefits and process of transformation to a more client-centred strategy.

It must be remembered that the customer journey in legal services is often characterised by decision-making based on something other than an in-depth cost-value analysis, owing to the complexity of the services (Beckwith, 1999) and the general level of public legal education. In many cases, customer service and brand values (Nahai, 2012) act as a proxy for in-depth knowledge around competency and quality (Beckwith, 1999; Thomson Reuters, 2020; Lexis Nexis, 2019; Nahai, 2012). It's also worth bearing in mind that it's not always a buying decision between firms, but whether to buy or not (MoJ, 2011).

## Internal communications and culture

In order to be a truly customer-centric organisation, businesses need to ensure that their people are empowered to put the customer first at all times (Drake, Gulman & Roberts, 2005); they must be free to ensure the service-profit chain (Heskett, Sasser & Schlesinger, 1997). This means it is imperative for the organisations to engender the right culture – which “eats strategy for breakfast” (Bock, 2015), because this promotes and enables customer-centric attitudes and practices, with staff always choosing to do the right thing (KPMG, 2017; Seijits, Kelleher & Singh, 2023). Underpinning all the key drivers of culture – including people, leadership, values, structure, organisational practices and performance management – is internal communications.

Internal communications sets the tone in any organisation; it not only keeps people informed of what is going on across the business, but educates and engages, fostering the sort of sense of belonging – through comfort, connection and contribution (Schwartz et al., 2020) – that is associated with improved team and business performance (Bordeaux et al., 2021; MacLoed & Clarke, 2009).

Given the flux of the past few years, with factors from COVID-19 to the war in Ukraine and the cost of living crisis, internal communications has only become more critical to operations (Marshall & McDermott, 2020), to maintain staff wellbeing and performance through a continuing feeling of safety (Coyle, 2018). Similarly, internal communications is particularly important as part of a change management strategy during any type of business transformation (Gartner, 2019), which again has been considerably likely in recent times. Internal communications has evolved into a different type of challenge, with workforces considerably more dispersed than ever before; maintaining culture becomes more complicated as well as more important (Ivey, 2022; Wall, 2022).

## What does good internal comms look like?

The Institute of Internal Communications offers this definition of 'internal communications': "At the most basic level, you have to communicate well at the right time so employees know what is expected of them and what is happening in the organisation. At a deeper level, for employees to feel engaged with their workplace and give their best, they have to see that their organisation cares about their views and understand how their role contributes towards overall business objectives," while Jenni Field's definition feels more succinct yet simultaneously more fully descriptive: "Internal communication includes everything that gets said and shared inside an organisation. As a function, its role is to curate, enable and advise on best practice for organisations to communicate effectively, efficiently and in an engaging way," (Field, 2021).

If we consider that culture = values + behaviour (Chapman & Sisodia, 2015), then internal communications – in its role in nurturing the right culture – must both convey an organisation's values and speak to the behaviours that are required (both explicitly indicating expectations, and equipping people with the knowledge and tools they need to make the 'right' choices). Strategic aims of an internal communications plan might include managing a crisis (VMA Group, 2021), change management through a period of business disruption (Handscomb et al., 2021), or augmenting culture – and customer-centricity – by fostering a shared growth mindset (Smith, 2020).

In terms of best practice, Fitzpatrick and Valskov's 'eight golden rules' from their 2014 book *Internal communications: a manual for practitioners* are still just as relevant and true today for steering the right approach for this function:

1. It's about results and outcomes, not activity (what do you want people to do?).
2. It's about the business (it must help deliver a strategy or plan related to business needs).
3. We don't drive with our eyes shut (know your audience).
4. People have two ears and one mouth – so should organisations (it's a conversation not a broadcast).
5. Come with data, leave with respect (use insight and evidence to predict outcomes).
6. Line managers matter (with limited time and resources, your focus should be 'what do we need managers to discuss with their teams?').
7. There is no silver bullet (aim for improvement, not revolution).
8. What we do matters (communications helps drive positive change).

One of the biggest recent challenges – and simultaneously the factor that has increased the importance of internal communications – has been the dispersed workforce we find more common in the post-COVID business landscape (Mutebi & Hobbs, 2022). This has led to increased emphasis on

digital communications channels, and driven a more deliberate approach to employee communications as business leaders look to retain staff, ensure productivity and deliver optimal customer service during difficult times. Capturing this uplift in internal communications standards and practices, and continuing them, can only be a positive thing for business going forward.

## Leadership

The rockstars of 21<sup>st</sup> business leadership are household names – although not all enjoy a good reputation: Jeff Bezos of Amazon is more roundly applauded – for leading a customer-centric culture, and empowering teams to reach their full potential (Archer, 2022) than Elon Musk – who recently hit the headlines for all the wrong reasons after becoming head of Twitter, and the impact was felt across his other businesses (Bhuiyan, 19 November 2022; Sherman & Hussain, 2023; Ewing, 2022) – for example. What they do share is an approach to leadership that fosters innovation, although demonstrably focus and drive is not necessarily enough to achieve success.

Innovation is not just a business objective, it must occur within leadership, too. Successful leaders must be radically different (Hayward, 2018) because organisations are radically different in the 21<sup>st</sup> century: they must be agile – with a clear purpose and vision, flatter structure of empowered teams, rapid decision and learning cycles, as well as being people-centric and technology-enabled (Aghina et al., 2018). The old-school authoritarian mindset which fitted the business-as-a-machine model can now be counterproductive. Being a planner, a director and a controller is no longer relevant to today's complex business environment, leaders must instead play four new roles: visionary, architect, coach and catalyst (Lurie & Tegelburg, 2019). The leader must identify the organisational goals, engender a culture which sets the right conditions for success (Groysberg et al., 2018; Copnell et al., 2017), and ultimately enable every individual being empowered to do their job to the best of their ability (Frei & Morriss, 2020).

A slew of business books in recent times have outlined how a contemporary leader should act to support success within their organisation: engender a feeling of safety (Lencioni, 2002; Sinek, 2014), ensure the correct extrinsic and intrinsic motivations are in place (Galloway, 2022), encourage (calculated) risk-taking and learning (Babineaux & Krumboltz, 2013), facilitate disruptive thinking and innovation (Williams, 2015; Nichol, 2021), set a tone of customer-centricity (Brown & Brown, 2014; Hayward, 2015), be able to prioritise ruthlessly (Maxwell, 2012) and make agile decisions (Hayward, 2021; Olivier, Hölscher & Williams, 2020; Meyer, 2016; McEwan & Yapp, 2021), while also focusing on performance improvement (Acuna, 2015; Grimshaw & Baron, 2010) and driving collaborative achievement (Hesselbein et al., 1999; Eberle, 2020; Gustavson & Liff, 2022; Sanker, 2012).

Of course, part of the problem with requiring a new type of leader is that there may not be many available within the talent pool, and this can hold organisations back (Schwartz, 2019). This assertion tallies with Allen & Overy's 2020 findings that "there is a gap between the innovation aspirations expressed by in-house leaders and their adoption of established planning and implementation techniques needed to realise those aspirations," with only 54% of those surveyed having formulated a clear innovation strategy, 35% having an investment roadmap, and 37% using structured techniques such as design sprints to innovate. It would be unsurprising to find this situation mirrored within law firms, too.

### Leadership in law firms

Perhaps because law firms have for the most part been slow to adapt to newer theories of leadership, in the same way as they have been slow to adapt to new technologies, structures, and ways of working, there seems to have been quite a lot of attention recently on leadership specifically in the context of law firms.

This may have been similarly precipitated by the seismic shift in thinking that occurred when the global pandemic caused disruption to the fundamental way in which many law firms ran their daily operations, and there is likely an element of commercial opportunity, too. There is a perceived target market for leadership practice education in a sector that may be viewed as being behind the times compared to other sectors, so relevant content is being generated by consultants (BDO, 2022; *Positively Legal*, 2021) and business schools (Berkeley Law, 2023; University of Cambridge Judge Business School, 2023; Harvard Law School, 2023) looking to drive interest in their offerings.

But the challenge remains that many law firms aren't like businesses in other sectors owing to their partnership structure; the leadership approach that may work for other types of organisation don't necessarily work (Empson, 2015). Laura Empson's work identifies that the more recent interest in 'collective', 'distributed' or 'shared' leadership (Gronn, 2000; Chreim, 2014; Fairhurst et al., 2020) is more appropriate in the context of the legal sector.

It has also been the case that formal sharing of leadership duties has occurred in law firms (McKenna, 2011; Cohen, 2022; Basham, 2022) which offers leaders the benefit of not having to give up as much of their fee-earning practice to manage and lead their teams. Ideally, they would have complementary capabilities, and the ability to collaborate and communicate impeccably, developing an optimal working relationship – which isn't always a natural leaning for lawyers; the focus throughout training and practice is rather more on individual excellence. Clearly defined roles, protocols and processes are a must.

Whether power is distributed across two or many, one of the biggest challenges of a distributed leadership model is its tendency to be incompatible with the singular vision required to innovate and drive a more customer-centric approach to the business of providing legal services, which is arguably where the market is going. It can also block the investment required to do this, since profits are generally speaking distributed almost fully each year, leaving little capital (*The Legal 500*, 2020). This is likely to be a significant reason why we are seeing fewer firms structured as partnerships, and more as limited companies (Poole, 2022). We are also starting to see non-executive directors engaged to bring senior-level business experience and knowledge to the table (Evans, 2023; Nanson, 2023; Shadbolt, 2022).

A recent global survey of law firm leaders also found that there is some way to go before firms enjoy the level of accomplishment seen within other sectors in terms of leadership. “Among the conclusions, firms appear ill-prepared for the future; many are not being driven sufficiently by a strategic agenda or a business manifesto; several respondents report ‘identifying the next generation of leaders’, ‘succession’, ‘future viability’, ‘lack of unity’ and ‘consensus’ as being major challenges,” (Tupman, 2023). On the whole we seem to know where we’re going, but we’re not quite there yet.

## HR considerations

It’s now commonly acknowledged that successful businesses are built upon the strength of their human resource (Pfeiffer & Veiga, 1999). Hierarchical command-and-control structures have been steadily disappearing over the past 30 years, and in their place we have seen productivity and quality maximised by creating human-centred working environments, with purpose, meaning and belonging at their centre (Mosley & Irvine, 2020).

Having already identified the historic tendency of law firms to value legal expertise above all else, and how the traditional partnership structure operates, in ‘4.1 Legal system: historic convention’, there’s an obvious difference between the people-centric approach taken by leading organisations across various business sectors in the 21<sup>st</sup> century, and the conventional law firm approach to HR (beyond compliance issues, that is).

However, it must be noted that some within the sector – the largest firms are those easiest to evidence, since they’re more likely to have their efforts appear in the press – have already adjusted their approach, and are evolving their policies to match the requirements of the ever-changing talent market. Or, at least, we are given the impression that this is happening – there is also evidence that some firms might not be as people-centric as all that, but much of the available research generally doesn’t distinguish between the size of the respondents’ employers, so it is hard to pick apart the true picture (Hilbourne, 2023; Rose, 2023).

There is one notable exception; The Law Society's research (2023) on the profession's views on career satisfaction and wellbeing, which does split the sample by member segment. In-house lawyers generally had higher satisfaction ratings, although only 42% felt their role offered good prospects for career progression; solicitors in SMEs had lower satisfaction ratings on the whole; while solicitors in Top 200 firms were more likely to agree their role offers good career progression, while workplace satisfaction was lower (with 83% regularly working over and above their contracted hours).

There still however seems to be more of a general challenge in discovering whether regional and high street law firms are moving with the times, and are becoming more people-centric as a means to the end of fulfilling customers wants and needs.

### Post-pandemic thinking

The effect of the global pandemic must also not be underestimated when it comes to affecting employee attitudes and demands across sectors; the COVID crisis changed many people's way of thinking about their lives and the impact their work choices have on their happiness and wellbeing (Woolfe, 2021), giving rise to a power shift in favour of employees (Baksi, 2022), and there was talk of various trends from 'quiet quitting' (Klotz & Bolino, 2022; Masterson, 2022) to 'the great resignation' (Morgan, 2021; Cable & Gratton, 2022; Wallace, 2021).

The return to the office has also become a sticking point for many staff across various sectors; for many, work-from-home proved preferable for a variety of reasons. Some leaders have mandated in-office days (Tan, 2022; Christian, 2023; Paresh, 2022; Kunert, 2023), while others take a carrot rather than a stick approach, focusing on making their physical workspaces a better place to spend time in (JLL, 2022; Mkandawire, 2022; Thomas et al., 2021; Kirschner et al., 2022; Beioley & Hammond, 2023).

While the general consensus is that hybrid working policies should be developed through engagement with staff, and tailored according to business need (Davis et al., 2022), it's tempting to suggest that many law firms are likely to lean towards some significant degree of in-office working (in line with their traditional approach to business in general), however specific evidence for this is somewhat thin on the ground (Craig, 2021). It is possible that we are only hearing about the exceptions, rather than the rules, since they are perhaps more newsworthy (Garner, 2022). In addition, demand for flexible and hybrid working from lawyers will influence business leaders' choices, so perhaps we will see less of a return to traditional thinking (HR News, 2022).

One challenge that will need further attention, however, is working out how business processes can be designed to level the playing field between remote/hybrid workers and those in-office; perhaps due to the fact that digital workflow is mostly quite newly adopted in the sector, it is becoming

apparent that not every firm has the right systems set up to enable the same efficiency and ease for homeworking lawyers: “Research by legal software company BigHand found that half of firms rely on manual processes for the management of every aspect of support functions, causing support staff to be over or under-utilised and increasing inefficiency. Almost half (49%) of firms believe support staff are used less because of hybrid working, with the implication that lawyers are performing these tasks themselves,” (Hyde, 2023).

## Recruitment

In the context of post-pandemic mindsets, with some influence from the generational shift in thinking about work (the changes described in ‘3.5 Generational shifts in attitude’ are not only applicable to the customer, but the employee too), there are significant challenges in recruitment for law firms (Beioley, 2022). Changes in staff’s prevailing attitudes have led to increased churn (PwC, 2022). Additionally, despite a requirement for greater numbers of staff across a number of functions and areas of specialism, law firms are finding the talent pool smaller than ever: “Many employees at UK law firms have been switching sides and going in-house for greater job-security and more flexible working patterns, while others have changed careers and left the sector altogether during the pandemic to find less stressful and demanding jobs,” (HR News, 2022).

## Talent drought

There is a talent drought. Lower-than-needed numbers of people have entered the sector in recent years (Turner, 2022), which is driving up salaries (BBC, 2022) and driving down skillset requirements for applicants (Goss, 2022). In addition, attrition is high, with some lawyers opting to switch to firms which offer them a better work-life balance, salary or perks (Miller, 2023; Temple-West, 2022), while there is also the risk of a talent drain from regional firms as people can now choose to work remotely for top firms (BDO, 2022). This has obvious implications for any regional firm looking to attract or retain the best talent, in order to provide the best service to their customers.

With a smaller pool of talent than they might like to draw from, firms are focusing on attracting the brightest and best graduates for their training contracts through all sorts of fresh approaches – from social media ‘lawfluencers’ (Quinio, 2021) to diversity and inclusion programmes which help them to reach untapped talent from non-traditional backgrounds (Tsang, 2021). In addition, firms are creating recruitment experiences to identify candidates’ broad skills, moving away from the older approach of single criterion assessment, for example, verbal or critical reasoning (Cole, 2023). This aligns with the recognised need to staff up with ‘O-shaped’ lawyers (Reed, 2022) to safeguard the future of the business as technology and increasing client expectations have their impact (Murray, 2020).



Retention is a significant concern for many law firms, with recruitment challenges meaning that replacing people who leave is not as easy as it might have once been (Bhayani, 2022). Addressing cultural issues, wellbeing, and flexible and hybrid working policies, are all important in reducing attrition rates; there is evidence to suggest that increasing remuneration is not always the answer (Beioley, 2021; Gosling-Myers, 2023). Of course there is variation in what is important to different people, depending on their personal circumstances and career stage – for some it might be promotion (Peart, 2022), for others it might be a focus on wellbeing or environmental, social and governance (ESG) factors (O’Boyle, 2021).

## Training

We are currently in transition in terms of entry paths into the profession; the introduction of the Solicitors Qualifying Examination (SQE) in 2021 set trainee solicitors on a different path to those who began their training contracts before that date, who must still successfully complete their training period and Legal Practice Course (LPC).

The addition of an apprenticeship pathway – which enables candidates to ‘earn as they learn’ – means those who have completed A levels can begin their career in law at 18, though some employers will offer apprenticeships to individuals who already have some legal training or qualifications (SRA, 2023). Perhaps as a symptom of the talent drought mentioned above, and perhaps also to support diversity and inclusion objectives, plenty of firms are now signing up to offer this route to entry (Cruz, 2023), teaming up with training providers such as The University of Law and BPP to deliver the academic elements of the apprenticeship.

Similarly, law firms engage in partnerships with academic institutions to prepare their graduate trainee intake for the SQE. There is little detail published about each firm’s training contract and programme; most outline the basics (which seem quite standard through the sector) including the fact that trainees will rotate through different ‘seats’ for a breadth of understanding and varied networking, plus take on the responsibility of live projects almost immediately (Hogan Lovells, 2022; Slaughter & May, 2020; Clifford Chance, 2017).

With more training pathways available than previously, it is hoped that the brightest and best candidates from a wider variety of backgrounds may access the profession, and therefore support the raising of standards in terms of service, and meeting clients’ expectations. As I already mentioned in ‘4.1.4 Lack of diversity’, there are also number of organisations providing support, advice, coaching and mentoring for candidates from non-traditional backgrounds, helping them to compete for training contract places against those whose family backgrounds enable easy access to both knowledge about entering the profession, and the funds to do so through the traditional route.

Continuing competence (formerly known as CPD) is an SRA requirement (SRA, 2022), and an annual declaration is required. Since this obligation is based on the individual's own reflection and identification of their training needs, if continuing competence training is to help address the issue of fulfilling clients wants and needs, there is need of a company culture – supported by exemplary internal communications – which promotes the customer-first approach, and supports individuals in making choices to develop their skills and knowledge accordingly.

In addition, there is the question of company-directed training beyond that which is required for compliance. The wider business world has seen a shift towards the importance of technology and soft skills training, as well as entrepreneurship (Clarke, 2023), to accommodate trends in customer-centricity and of course the explosion of digital innovation that we have seen in recent decades – the so-called Fourth Industrial Revolution (Schwaub, 2016). Recent thinking leans towards learning and development is more than something that should happen every now and again where there are gaps, it's a constant process for every member of staff and warrants a specific role or even department for its coordination – the pay-off is significant in terms of future-proofing the organisation (Havercroft, 2023; Nobels & Beale, 2022).

Leading global talent development leader Brandon Carson explained in his recent book *L&D's playbook for the digital age* (2021) that focus should be placed upon three broad areas: technology, data, and the human dimensions of work. He advocates a learning ecosystem comprising systems, resources and people to support tailored learning and individual career pathways, all accessible via a digital platform, to future-proof the organisation, in the context of technological convergence and also generational shifts in attitudes to work. There's a clear link between Carson's work and the trends set out in Tapscott's *Grown up digital* (2008) and Diamandis and Kotler's *The future is faster than you think* (2020), which have already been referenced in this paper. It's likely that the larger law firms will already be following this best practice, but the prevalence of this approach is hard to gauge in smaller legal practices.

## **Pricing strategy**

The hourly rate is the traditional, and some might think still the predominant, method of pricing legal services, when you consider all areas of law across all legal services providers. However, for the consumer it must feel somewhat like committing to write a blank cheque when you have no idea of the scope of the work that needs to be done. This is one reason why fixed prices can be so appealing (Allen, 2023). This is perhaps the reason why the LexisNexis Bellwether 2023 report (Lexis Nexis, 2023) discovered that only 8% of small law firms bill exclusively by the hour.

In the consumer market, only commoditised legal services have appeared to lend themselves to fixed pricing. The services covered by SRA Transparency Rules – residential conveyancing, probate (uncontested, with UK assets only), summary motoring offences, employment tribunals for unfair or wrongful dismissal, and immigration (excluding asylum applications) – seem to be those most likely to be charged via a fixed fee. It follows that these are also the areas of legal services that are mooted for marketing through price comparison platforms – a pilot scheme was launched in 2021, initially focusing on conveyancing and employment law services (SRA, 2021).

Interestingly it's been suggested that the SRA Transparency Rules have been a trigger for improving pricing transparency in parts of the market which were not subject to the Rules themselves. The LSB's report *Prices of individual consumer legal services in England and Wales 2020* gives the example of divorce providers; in 2017 22% displayed prices on their websites, and by 2020 the proportion had risen to 52%. There's no sector-specific evidence to prove why this correlation appears to exist, but it would seem logical that when given pricing details consumers have more confidence in taking the next step on their customer journey, and this increases inbound enquiries for firms – after all, withholding pricing details may retain power in customer negotiations (Dholakla, 2021) and prevent competitors from gathering intelligence in order to undercut, and we know that with the advent of the internet, power has shifted in the direction of the consumer (Perkins & French, 2014; Clark, 2022).

Litigation is so much more likely to require a completely bespoke approach that it is hard to imagine what a fixed price strategy might look like – though some solicitors do offer an initial appointment fixed fee offer, since this may be constrained by a specific amount of time. However, value may only be experienced by the client if they are able to use the whole of their session to seek specific advice, and not have any limitations on what they may ask, or have a large part of the session taken up with form filling to record basic details. There is, however, no significant literature to support this theory, as there appears to have been no research so far regarding experiences of value during such sessions – the most informative research into consumer experiences of legal services, by the LSCP (2022), doesn't include specific questions about fixed fee initial appointments.

Scenario-based pricing may be more appropriate for non-commoditised services, giving the consumer an idea of what they might expect to pay based on an illustrated case (Association of Consumer Support Organisations, 2022). However, even with clear illustrations of what the cost might look like for a given outline of services, there may still be a gap between the consumer's perception of value, and the figure range, owing to a lack of experience in making buying decisions about legal services – and they are, after all, more likely than not to be a distress purchase, which adds to the difficulty for the inexperienced consumer.

A key objective for any law firm should be to focus on profitability, and not turnover. Pricing strategy should therefore also take into account how the emphasis might be shifted and costs cut – passing the reductions on to the consumer can result in a more competitive offering. For example, there is certainly scope for legaltech to help trim costs, reducing the need for staff who only carry out repetitive tasks which don't require judgement, specialist knowledge, or the human touch. It can also improve lawyer efficiency and enable them to focus more on fee-earning work (Miki, 2023) rather than admin or other tasks which may be automated.

## Diversification and growth

It certainly seems as if diversification to meet the challenges of a changing (and challenging) business climate has been a more common theme in the age of the agile business, especially across sectors where goalposts have been significantly moved, such as retail (Brooke, 2022) and farming (DEFRA, 2022). But what of more comparable 'knowledge' businesses?

There has been much in the news about the Big Four's foray into legal services, although the latest perspective from law firms appears to suggest that perhaps brand familiarity and sheer size are not enough to out-compete them – although it also might be that “the apparent decrease in competition suggests that the Big Four may be winning work that is not being presented to law firms or that the type of work they are winning is not work that a law firm would usually do,” (Cross, 2023; Lexis Nexis, 2021).

The type of diversification, causing market disruption, is not so likely to affect the consumer market, however since there is some threat from alternative business structures offering commoditised legal services – such as Co-op Legal Services offering estate planning, wills and probate (Hadfield, 2022).

We have however seen a more proactive attitude to growth among smaller firms and sole practitioners, as evidenced by the LexisNexis *Bellwether 2023* report, which cites that 46% of firms expected to see growth over the next 12 months. It goes on to reveal that organic growth is now just as likely to be a chosen objective as growth through M&A, with holistic marketing strategies centred around informative and useful content.

Law firms are in particular diversifying into the financial advice space, in a bid to fulfil customer demand for joined-up advice, and create a smoother customer journey (Muirhead, 2018; Bindman, 2020; Cheung, 2022).

## Methodology

The aim of this thesis is to identify and investigate the disconnect between contemporary client expectations and law firms' current ability to deliver on those expectations, in the context of a chronically underfunded justice system. It also explores the possibilities for improvement open to law firms. This then allows the development of a framework to steer law firms towards better practices, to enable them to thrive rather than simply survive, and ultimately deliver the quality of service and access to justice that customers want and deserve.

With such a huge scope as this, the study had to be designed in such a way as to cover a broad section of topics and perspectives, while still remaining manageable enough to be able to consider the wealth of qualitative evidence. This is essential for drawing workable conclusions that might direct law firms towards better ways of doing business in the 21<sup>st</sup> century.

## Ethical considerations

There are significant ethical considerations in the context of this study.

Firstly, ethical matters are in fact inherent in the very existence of this paper; access to justice has been demonstrably eroded over time, and in part there is an onus on law firms to play their part in improving this situation – so the importance of this study must be acknowledged in its rigour. That said, there is arguably a limit to the influence law firms may have on clients' experiences of the justice system; perhaps the larger part of the burden of responsibility falls to its various agencies, including the judicial system, and ultimately the government. As lawyers we can only go so far to compensate for system breakdown.

Secondly, and more central to the design of the study, there is the issue of confidentiality. In order to encourage maximum engagement with my information gathering processes, I promised anonymity to all participants. Unsurprisingly, legal professionals in particular were not keen for their personal views to be made public, in case this might somehow impact on their career or business (such as a loss of a legal aid contract), or even on specific case outcomes.

Throughout this paper, where it is necessary to identify particular individuals, I do so by referring to their role or relevance – whether customer, solicitor or counsel, judiciary, non-legal business professional or regulator. In places there is some merit in explaining a little more of a participant's experience, background, or even demographic, to set opinions into context, although this is done with delicacy to ensure confidentiality is upheld.

This anonymity may also lead to a challenge as to the research, through the lack of possibility to verify it. However, the interviews may not even have been undertaken – and certainly they would not have been as open, honest and candid as they were - had confidentially not been assured. This sort of access to a group of highly relevant and skilled personnel in the field is unprecedented; the expert insight in this study is unique, and only possible through the promise of anonymity.

Finally, there are also some ethical considerations to be borne in mind given that a proportion of my sample is in fact drawn from my company's employees and contractors. My interviews were carefully designed to ensure everybody knew they had the freedom to speak candidly, and that I valued their unbiased answers and viewpoints, which would have no bearing at all upon their work status in future. For this reason I took a fairly unstructured approach, of a flexible and exploratory nature, to ensure authenticity and the richest possible source of data.

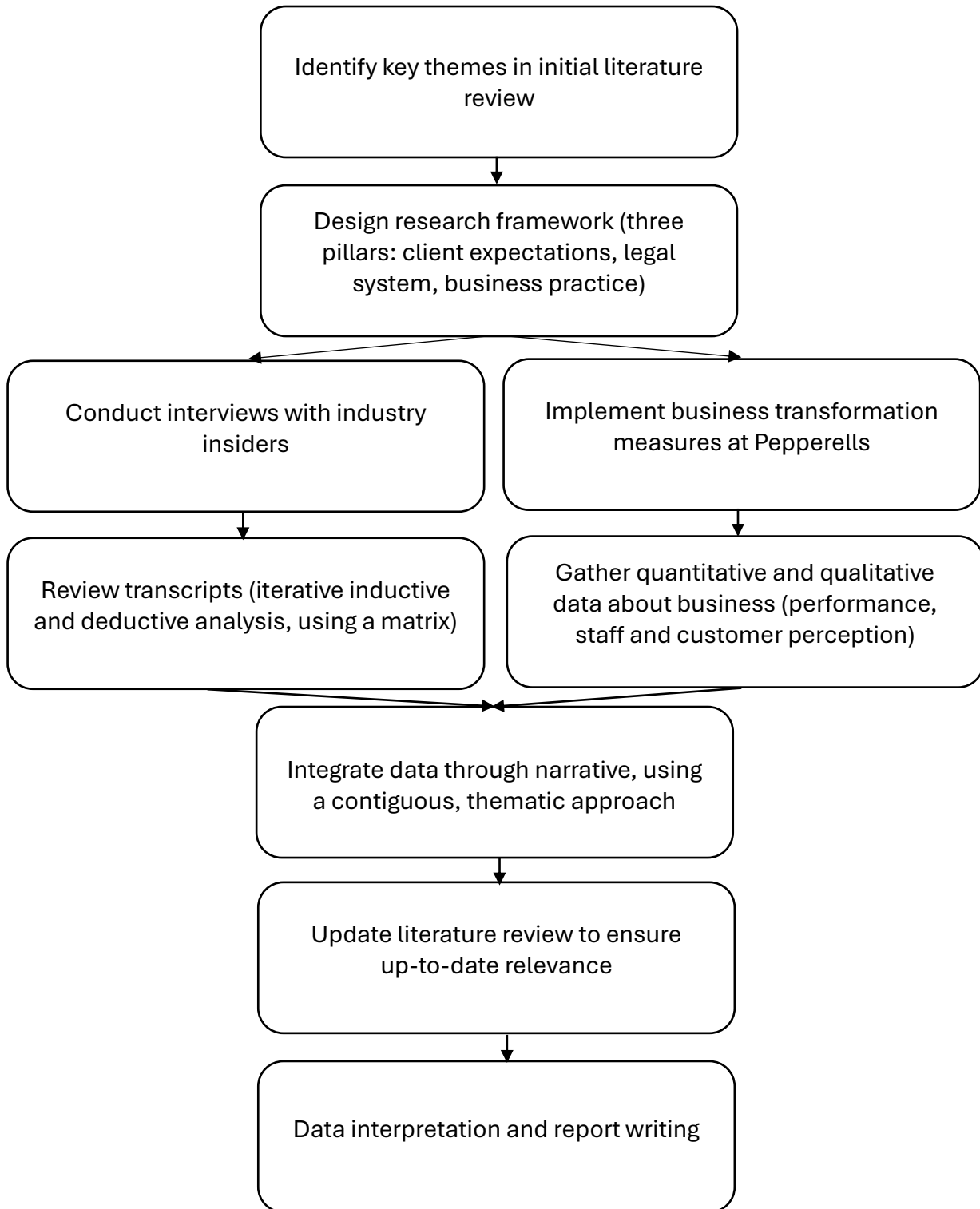
## Research questions and design

To gather a picture of the context in which law firms are operating, the context in which customers are making buying decisions, and the context of the opportunity posed by contemporary business practice (supported by technology innovation), the literature review needed to be wider than simply academic writings around these three pillars. Within such an interdisciplinary context, a constrained systematic review seemed less appropriate than a more creative, integrative literature review (Snyder, 2019). Indeed, it was owing to this lack of existing literature on the specific topic, that I felt a hybrid methodology that also included my own primary research was the only way to pinpoint the challenges felt within the industry, address the problems of legal practice in contemporary times by generating a blueprint for business transformation and success, and demonstrate the success of applying such tactics.

I chose to use a mixed methodology which features qualitative data gleaned from interviews with legal sector insiders (chosen to ensure a broad range of perspectives, although some element of self-selection was unavoidable, as was an element of potential bias through professional familiarity). Alongside this, a case study element shows how putting my own business through the processes I was exploring within my study, would add the weight of proof of concept to the resulting conclusions.

I began by designing a process which would glean and integrate qualitative data from the literature review with both the qualitative data from the interviews, and the quantitative and qualitative data from the case study element, thus:

Figure 4: Architecture of research methodology



In order to get a broad enough view across various stakeholders, this study was designed using two main research strands: individual interviews of varying lengths with customers (business and personal), those working both within and with law firms (including legal and non-legal professionals), and members of the judiciary; and an in-depth case study of my own law firm's transformation according to contemporary business thinking, including aftersales surveys of our law firm's customers to track improvements in satisfaction levels.

Given the individual nature of this study, it was necessary to conduct customer and professional interviews over a period of time, from 2019 to 2023. The interviewees were chosen by requesting participation by my personal and professional contacts; given the nature of the conversations it was important that trust already existed, so standard methods of selection would have proven fairly ineffective. The case study element covers the 10-year period to 2023.

With the huge size and complexity of the legal sector (including the justice system, which it must necessarily interact with), it was important to gather viewpoints from as broad a spectrum of professionals as possible. However, as has been touched on in '6.1 Ethical considerations', the natural reticence of many insiders meant that this would not be an easy task. In the main I leveraged personal contacts, and second-degree contacts, in order to get the broadest reach possible – the trust ensured by the interviewees knowing me personally, or at the very least by reputation and recommendation, was central to building such a diverse list of subjects. The most senior, in particular, were only possible to reach thanks to personal connections; insiders at that level will only confide in other insiders. Without my privileged position as a legal sector insider, this study would not have been possible.

In ensuring a broad spectrum of views across the legal sector in this way, there has of course been some sacrificing of depth, with lower than ideal numbers from each part of the industry, and a need to perform personal interviews rather than hold focus groups, which might have revealed further depth as participants would have been able to respond to other opinions as well as express their own. In addition, the length and structure of interviews was more varied than would be ideal in a study, with an average duration of 15 minutes but a broad range (10 to 45 minutes), in order to encourage participation, ensuring the most thorough gathering of viewpoints from industry insiders. The reality is, however, that even the numbers achieved, in the necessarily flawed way in which they have been achieved, are significant in the context of insider reticence, and such well-informed viewpoints on this topic have not previously been gathered in any study.

I had conversations with a variety of customers and professionals from within various functions:



Table 3: Interviewee demographics

<b>Legal (134 total)</b>	<b>Business owners (27 total)</b>	<b>Human resources (5 total)</b>
Deputy District Judge x1	Law firm x6	Director x1
District Judge x2	Counsel chambers x2	Head of people and culture x2
Circuit Judge x2	Accountants x4	HR manager x1
Kings Counsel x3	Financial advisor (investment and mortgages) x3	HR assistant x1
Criminal barristers x5	Insurance broker x2	
Civil barristers x2	Marketing agency x2	<b>Compliance (11 total)</b>
Family barristers x7	Information technology x1	Compliance officer legal and practice (COLP) x2
Solicitor advocates (criminal) x3	Chartered surveyor x3	Compliance officer finance and accounts (COFA) x2
Solicitor advocates (family) x3	Estate agent x2	Money laundering compliance officer (MLCO) x2
Criminal solicitors x5	Quantity surveyor x1	Money laundering reporting officer (MLCO) x2
Family solicitors x10	Travel agency x1	Complaints handler x2
Wills and probate solicitors x6		GDPR and data officer x1
Corporate solicitors x2	<b>Finance (14 total)</b>	
Commercial property solicitors x4	Finance director x2	<b>Sales and marketing (11 total)</b>
Divorce and finances solicitors x3	Accountants x5 (in-house and external)	Director x1

Retired solicitors x2	Accounting staff including legal cashiers x4	Business development manager x3
Legal executives x3	Bank manager x3	Head of sales x1
Trainee solicitors x20		Head of customer journey x1
Solicitor apprentices x4	<b>Non-executive directors (12 total)</b>	Branch manager x3
Police station representatives x3	Legal x1	Social media manager x1
Pupils x10	Finance x2	Events team leader x1
Paralegals x8	Business leaders x8	
Legal assistants / secretaries x 5	Actioncoach x1	<b>Customers (11,200 total)</b>
Call takers x3		Clients 8,000
Receptionists / front of house x6	<b>Technology (4 total)</b>	People on the street 2,000
Students x10	Director x2	Prospective clients 1,200
Work experience x2	Head of IT x1	<b>Media (6 total)</b>
	Junior technician x1	Business editors x2
		Legal journalists x1
		Local journalists x3

This paper's relevant research questions fall into three broad areas which together reveal the current situation regarding customer expectations, the context of the legal system (particularly the status quo of regional law firms, which is less prominent in studies and literature), and the possibilities for improvement open to law firms. This enables the pinpointing of the strengths, weaknesses,

opportunities and threats as regards law firms' business practices, from which a framework of action may be drawn up.

## Interviews

### Customer expectations

Given the huge variety of legal services offered by modern law firms, both contentious and non-contentious, and the huge variety of customer looking to access them – usually infrequently, often as a distress purchase – it can be difficult to achieve an in-depth, nuanced view of customer expectations, even with suitable numbers of willing participants. This is in itself has been a challenge, as there is not necessarily a compelling reason for individuals to take part, other than perhaps simply altruism or an interest in the sector, are drivers – and both of these could skew the results; self-selected individuals may well not be representative of the wider public.

There is another complication in gaining an accurate snapshot of consumer thinking. Even if customers are acutely aware of their expectations regarding legal services (which is not so likely, owing to the largely low level of public legal education), they may be perfectly comfortable choosing one type of legal service, and not another. There are also so many factors around decision-making – from education to personality, financial circumstances to heuristics – that the complexity of any sample's differing perspectives will be high.

With this – and the limitations of this individual study – borne in mind, the research questions around customer expectations are designed to 'take the temperature' across the market, in a greater depth than that which currently exists, rather than lead to a granular analysis of it. Broadly speaking, the interviews I conducted explored the following questions:

- How much do customers know about their legal problems and how to solve them?
- How do customers choose a legal services provider?
- What are customer expectations around quality, speed, cost and outcome?

I did consider the possibility of using focus groups as a research method, to facilitate a wider discussion, but ultimately discounted this possibility since I identified there could be participant reticence around confidentiality (for legal professionals), privacy (for clients) and freedom to speak without risking judgement by other parties. In short, I decided that I would achieve more candid, detailed responses with a relaxed individual interview format.

### The current state of the justice system

While there is a lot of literature relating to the justice system and its efficacy, much of it has been generated by parties with a specific interest: news stories which encourage clicks, reports by regulatory bodies to support their agenda, and government responses to criticisms. What is lacking,

for the most part, is the insider perspective. This is unsurprising, since those working within the system may have legitimate concerns that sticking their neck out over a particular issue might adversely affect their professional reputation, career or outcomes relating to their work.

I have aimed to fill the gap by having conversations with as wide a variety of industry insiders as possible, on the topic of the current state of the justice system. In order to ensure they were forthcoming with open and honest perspectives, I promised to anonymise all contributions. To encourage as much breadth and depth as possible within the information I gleaned, the conversations didn't follow set questions, but instead evolved organically, upon the basis of the following general questions:

- What are the main challenges in the justice system, according to industry insiders?
- What needs to change at an agency / governmental level to improve efficiency and access to justice?
- How can law firms flex to compensate for failings in the justice system that are beyond their control?

Best practice in business

Interviews with legal and non-legal professionals reveal the status quo of business practice within law firms of varying sizes, for a more realistic picture than we might get from the current literature – which is mostly drawn from the media, and as such is subject to the influence of publishers' click-related objectives, and the PR strategies of larger firms.

Some of the relevant topics are highly subjective, and the information gleaned is as much about the individual's mindset and experiences as anything, but given the resource limitations of this study there is not a feasible way to extend the sample in order to be able to have a more rigorous view of the situation within the industry. This research still goes significantly further than any existing literature when it comes to gauging trends within the business of legal services. It reveals a more accurate picture of the status quo and its challenges, unhindered by commercial considerations or PR objectives – which is critical, since these factors are likely to significantly influence the viewpoints put into the public domain. These currently make up the majority of the literature and a good proportion of the research on the topic, which has largely been undertaken by professional bodies.

The broad questions covered by the organic conversations I had with those working within law firms (both lawyers and non-legal professionals) include:

- What are the predominant structures, cultures and strategies in law firms?
- How is technology being used by law firms?
- Are law firms becoming more customer-centric?

- How might law firms transform to better meet customers wants and needs?

### Case study

In the spirit of agile business practice, and partly to compensate for the limited opportunities available to canvas industry insider opinion, I chose to use my own company – Pepperells, of which I am Chief Executive – to experiment with transformations to the traditional law firm model that might positively impact on staff, customers, and ultimately the bottom line. I took the attitude that it's best to make small, quickly and easily implemented changes to reduce the cost of making mistakes and drive faster innovation. I ran this programme concurrently with my qualitative research, as it made no business sense to wait for the in-depth study to be completed before starting to transform the business.

### History of Pepperells

Pepperells was established by my father in 1985, in Scunthorpe. He created the business with a colleague and one secretary, having left a local competing firm. I joined the firm following my completion of law school in 2003, and qualified as a solicitor in 2005. I became the managing partner of the firm in 2008, when we had approximately 25 staff working for us. From the one office the firm turned over approximately £800,000 and we first broke the £1,000,000 turnover mark in about 2007.

We opened our second office in 2009, in Hull, and acquired an existing firm called Ivesons – that had been in practice for over 60 years – that same year. We then acquired a second Hull firm that had been in practice over 80 years, Myer Wolff, in 2014, and opened our Grimsby branch in 2016. Lincoln opened in 2018, and Beverley in 2020, during the pandemic. Since then we have grown to 11 offices having opened branches in Willerby, Barton Upon Humber, Newcastle, London, York and most recently Truro. We have completed two other incorporations of other law firms. We now employ approximately 170 people and turn over approximately £8,000,000.

The company is a law firm that provides legal services to individuals and corporates in both private and publicly funded streams of work. It is separated into eight different business units:

- Commercial Property
- Corporate
- Criminal
- Dispute Resolution
- Family
- Divorce and Finances
- Residential Property
- Wills & Probate

Our employees include solicitor advocates, solicitors, legal executives, trainee solicitors, paralegals, marketing staff, communication and business development directors, receptionists, administrators, and accountants.

Our accreditations include LEXCEL, ISO9001, solicitors for the elderly, Society for Trusts and Estate Practitioners, and Law Society accreditations in Children Law, Conveyancing Quality, Criminal Litigation and Family Law (Advanced).

#### Business evolution

Beginning around a decade ago, not long after we expanded to two offices, I began to make plans to transform the business for the 21<sup>st</sup> century, as professional services businesses had and were doing in other sectors.

Based upon my reading around contemporary business theory and practice, I implemented the following change process within my law firm, with a key objective being to raise satisfaction levels among our customers – I knew this would be the key to unlocking sustainable growth and business success:

#### Reviewing the status quo

The first step in any business transformation project must be to review the existing situation to know what exactly you are working with, in order to challenge existing habits and processes, and build a better way of working. I implemented this process across every aspect of the business, from structure and systems to brand, via staff and skills. Undertaking SWOT and PEST analyses I was able to identify:

- Our advantages and disadvantages compared to our competition

The strengths we felt most pertinent included:

- Marketing: a good understanding of, and the ability to employ very effectively, multiple channels of marketing activity, including all digital and social media platforms.
- Sales: a recognition of the critical importance of swift and effective communication with prospective and existing clients to ensure their current and ongoing needs are met at pace and with consistency.
- Legal expertise: the number of qualified solicitors in the firm and the breadth of their specialist expertise.
- A strong team ethos, low staff turnover and a positive, high performing culture: a commitment to the health and well-being of the workforce whilst enabling productivity and effectiveness.

- Innovative IT systems enabling an internally paperless office: to become a paperless office is a clear intention, minimising paper produced whilst complying with the demands of third parties (other lawyers and the courts). This has been tested to the full by the COVID lockdown and found to be workable and soundly based, encouraging the business to live and operate with an understanding and utilisation of the benefits of a digital society.
- Good key customer relationships: developed and maintained by the directors and fee earners.
- Personal service: the treatment of clients as people, not commodities, to encourage the desire that we become and remain their 'Partner for Life'.
- People development and reward structure: this is assisted by being a training provider for numerous roles including trainee solicitors.
- An ethos of continuous professional development to enable widening and deepening competence.
- Dynamic, diversified and entrepreneurial board: varied experience including marketing, sales, operations, human resources, IT, and finance.
- An ethos of open communication: a culture that encourages open and direct communication enabled by a schedule of meetings.
- Size and diversified skill set of the team: this enables the coverage of the six distinct departments.
- Continuing strategic alliances and partnerships: as with customer relationships this is dependent upon the directors and fee earners.
- Accredited Training Provider for Solicitors: certification judged by the SRA.

The weaknesses we identified (and devised mitigations for) were:

- Some of the systems and processes that ensure effective and consistent running of the business could be enhanced. Some of those that do exist are not consistently applied and therefore compliance with them is variable. In mitigation:
  - Identify the processes, and the software to run them, that are performing sub-optimally.
  - Enable and insist upon compliance with the system once tested and implemented.
- As the business grows, some people are feeling increasing pressure to work beyond their capacity to deliver. The closeness to capacity leaves the business vulnerable to staff losses, whatever their cause. In mitigation:

- Identify the ideal sub-unit (mix of skills and pay-scales) with heads of department to deliver maximum efficiencies and minimize overload.
    - Ensure staff numbers are sufficient to deliver with the necessary safety capacity.
    - Continue and enhance development of the people within the business.
    - Consider how best to 'ring-fence' key personnel.
    - Develop and utilise smarter ways of working.
  - Incomplete and sometimes non-compliant client data collection. In mitigation:
    - Ensure that every step of the process requires that relevant data is collected, stored and managed effectively.
    - Create and implement an appropriate CRM system.
  - Poor communication both within and between offices. Communication between departments and those in control of executive functions is sometimes lacking. In mitigation:
    - Initiate a new communication flow, which is more reflective of the realities and function of the departments. This requires universal use of Yammer and Microsoft Teams for internal communication and the upgrading of the Intranet to enable free flow of legal communication needs.
  - IT dependency will only increase over time, but IT lacks resilience and is open to both internal and external threats. In mitigation:
    - Strengthen the IT team to enhance resilience.
- Opportunities within the market included:
  - Continue to develop the sales and marketing functions:
    - A dedicated sales team has been put in place (Priorities) and continues to be trained and developed.
    - A marketing plan has been drafted and reviewed to develop new leads using multiple channels.
  - Implementation of a new bespoke Case Management System:
    - The new case management system offers considerable efficiencies in the management of every case or matter, regardless of the department.
    - Not only will it enable swift, more intuitive and complete document and email tracking but it will seamlessly link with the billing and financial function.



- This will save the fee earners time, make document collation easier and make billing accurate and timely.
- Cross selling of Compatible Services:
  - Most cases are dealt with in isolation rather than the client being considered a Partner for Life.
  - There are multiple opportunities to fulfil the lifetime needs of the client by offering desirable, necessary or complementary services. Examples are:
    - A Will following completion on a property.
    - A cohabiting agreement between unmarried partners buying a property.
    - A referral to Pepperells Wealth.
- Enhance personnel and systems efficiency to increase productivity:
  - Maximize personnel efficiency through enhanced management supervision and communication.
  - Enhance the same by maximising skills balance and utilisation in sub-unit teams.
  - Ensure the systems employed do improve efficiency.
- Exploitation of the market opportunities in existing locations:
  - There is plenty of work to be won in the areas where offices currently exist, not least by cross-selling and complementary service offers.
  - There may be opportunities for diversification of the offer to exploit new opportunities within the existing areas.
- Replication of a successful business model:
  - A successful model is the recipe for replication regionally, and offers the potential for growth with low risk. This has been enhanced using technology during the COVID-19 pandemic.
  - The testing of a virtual office in London is underway.
- Opportunity to develop the highest-margin Family, Wills & Probate and Commercial departments further:
  - To grow these parts of the business, additional fee earners may have to be recruited.
  - There is an opportunity to expand our market share of the available private family work.
  - The Wills and Probate department has been strengthened and separately recognised.

- The acquisition of Millican Law in 2020, a corporate and commercial firm in Newcastle, expands and complements the existing business.
    - The Beverley office is a new community branch model in that it targets a popular and affluent market town that thrives off footfall.
  - Remote digital office working:
    - To enhance the area over which any one legal expert can have input, influence and success, by working remotely using video links.
    - This has been thoroughly tested during COVID and found to be adequate to the task.
- External trends which may have a negative impact on our business:
  - Low-cost digital legal services (low cost online virtual reality delivery of legal services, low-cost online delivery of legal services, artificial intelligence developing capability to do the work accurately 24/7, employees adopting distance-based communication that is not personal e.g. video conferencing and emailing). To mitigate this effect:
    - Ensure there is both clarity over, and effective broadcasting of, the difference between a personal and an online digital legal service
    - Ensure the personal legal service is fully supported by lower cost digital functions.
    - Be digitally savvy.
    - Remain in front of, or at least keep up with, clients' digital demands.
    - Training.
  - De-regulation and under-qualified delivery. With de-regulation comes the threat of legal services being offered by those not qualified so to do. To mitigate this effect:
    - Ensure that clients are aware of the risk.
    - Ensure certification and compliance is adhered to and displayed.
  - Withdrawal or price reduction of Legal Aid. Legal Aid provides roughly 51% of the income of the firm. Price reductions or supply constraints will have a commensurate impact. To mitigate this risk:
    - Develop a higher proportion of non Legal Aid work.
    - Be flawlessly compliant.
  - Further compliance regulation means tightening of the compliance standards and regulations. To mitigate this threat:
    - Make provision to comply and ensure that the employees, regulators and the public know it.

- There is a shortage of qualified lawyers that fit our work ethos and culture. To mitigate this risk:
  - Remain in front of employee expectations.
  - Continue to develop and focus upon employee development and environment.
  - Continue to be aware of and develop mechanisms to enhance the health and well-being of employees.
  - Develop a formal training academy.
- Intensifying price and quality competition for clients (a progression towards the lowest common denominator; price buyers have no loyalty, which militates against the mission of 'Partner for Life'; reductions in fixed fees). In mitigation, know the market and avoid the chase to the bottom.
- Too rapid expansion. The structures for running the business and delivery of the law must be maintained to the same standards during and after significant expansion. In mitigation:
  - Continuously upgrade core systems and processes to maximize automation and productivity gains via software developments.
  - Be certain the business runs effectively and know how and why, before sudden rapid expansion.
  - Ensure the scalability and replicability of the systems employed.
- Demand for ever quicker responses. Both the legal community and the public demand ever quicker responses and results. In mitigation, ensure there is capacity in the workforce to manage high volumes and the rapid response needs of clients.
- Political issues which might influence the business. Key considerations were deemed to include the ever-changing nature of government policies, especially cost-cutting moves such as the changes to Legal Aid and Personal Injury work.
- The broader relevant economic context is that at the time, we were starting to see some recovery from the crash of 2009, with a 1.9% increase in GDP during 2013 (Monaghan, 14 January 2014). In our business plan, we ascertained that the size of the legal industry was approximately £32bn at the time (Statista, 2021), and employed about 350,000 people operating out of more than 33,000 outlets (Statista, 2022). We discovered that the revenue generated by the legal activities industry was expected to decline at a compound annual rate of 0.3% over the five years through 2018-19 to £32.3 billion – but this was of course before COVID-19. The fall in the number of residential property transactions since the EU referendum had negatively affected the industry's performance, while it was recognised that revenue growth in the industry was moderately volatile due to the nature of equity

capital raising, which is influenced by interest rates, credit availability, share prices and the performance of the stock market, the performance of the economy, and the overall level of indebtedness of businesses.

- Also relevant under the economic aspect of PEST analysis was the difference between personal taxation as a partner, and personal taxation as shareholders and directors of a limited company.
- Social considerations were deemed to centre around contemporary customer expectations around brand perception. We needed our firm – formerly known as Pepperell, Machin and Williamson – to look and act like a modern, customer-centric law firm, with a memorable brand, as well the new name removing reference to two outgoing owners.
- Technological innovation that might help us better achieve our objectives; we identified key technologies to include paperless internal working, an enhanced case management system, and HR management software. We found the technologies that might best support growth were not necessarily complex or expensive, however there was still a significant financial investment to be made, as well as a change management process to ensure acceptance across the company.

In order to leave behind preconceptions and the limitations of tradition, it was necessary to create an entirely different mindset – one that was open to radical change. I created space for the task ahead by ceasing to take on fee-earning work, and focused on interrogating every aspect of the business and its operations. The underlying principle was to transform the organisation from an old-fashioned traditional partnership run by lawyers into a modern incorporated business making use of non-legal expertise and modern business practice, whilst creating an ethos consistent with modern customer (client) expectations using the current digital technology and mainstream media.

Finding the base line

At the start of the journey, I got the fundamentals in place – agreeing family succession plans and purchasing my father’s interest, before incorporating from a partnership to a limited company in 2017, rebranding at the same time. Then, with the support of specialists in business planning, IT and marketing, we set about undertaking strategic development reviews around each business unit, identifying barriers to growth and setting ambitious targets. Radical change was certainly on the table, but we also bore in mind that there was no point in reinventing the wheel; we picked our battles, making the changes that would result in the biggest positive impact.

It was important to begin with cultural change as a soft-startup to encourage staff buy-in to what was to be a revolution in the way we worked as an organisation. We guided, coached and mentored our lawyers, while opening up clear communication channels to improve internal engagement; we

made our objectives explicit and took the staff on the journey with us, creating an excitement and energy which resulted in greater momentum and support for what we were doing, since everyone understood why we were making changes and how their own working lives and careers would benefit (with a positive knock-on effect in terms of wellbeing and their out-of-work lives, too).

One of the first ways we made sure that all staff were pulling in the same direction was to formally set out the fundamentals of our business: our purpose, our mission, our vision and our values. These not only signalled our intent (initially, then in an ongoing manner our culture and way of working) to internal stakeholders, but to external ones too.

Our purpose is ‘to manage critical situations and improve people’s quality of life by delivering empathetic, communicative, fast-paced legal solutions.’

Our mission was initially conceived as: ‘Make Pepperells your partner for life.’ This was devised to be relevant to both the client base (excellence in service during initial instruction and beyond), and the staff (we treat everyone fairly, look after their wellbeing, and support them in their career). We have since been able to drop the ‘Make’, to leave ‘Pepperells, your partner for life’ as the concept is more widely understood.

Our vision was simple: we wanted to become a top 200 law firm (in terms of turnover) within ten years.

Our values have evolved to INSPIRE our stakeholders. We

began by setting a simple list of values (energy, ambition, resilience, flexibility, passion, ability, innovation and integrity), but these proved tricky to remember for our staff, so to improve buy-in we re-cast them slightly using an acrostic:

- Integrity - we hold ourselves to exacting standards, treat everyone humanely and encourage others to do the same, even when it’s difficult, by: always doing the right thing; understanding that trust is the foundation of our relationships; being sincere, candid, reliable, accountable and approachable; challenging unethical or inappropriate behaviour.
- Nurture – we foster a supportive and inclusive environment and improve people’s quality of life by: embodying our Partner for Life ethos to build long-lasting relationships with clients and each other; embracing a culture of continuous professional and personal development; developing



Figure 5 Pepperells’ purpose

and maintaining authentic working relationships with colleagues; collaborating, sharing ideas, and learning from one another.

- Skill – we communicate effectively and deliver the highest quality solutions by: constantly developing and honing our strengths and weaknesses; offering unrivalled development opportunities to our team; using our expertise and knowledge to provide outstanding services; constantly seeking to expand our capabilities and deepen our understanding of the law.
- Passion – we approach our work and play with a positive attitude, being empathetic and finding joy in all that we do, by: celebrating the success of others; being proud of the company and our contribution; caring about our work and the impact it can have on people’s lives; being enthusiastic and dedicated, willing to go the extra mile to achieve the best possible outcomes for our clients.
- Innovate – we are creative, embrace the latest technologies and methodologies, and always strive to be at the forefront of legal innovation by: being inquisitive and analytical; seeking alternative, more efficient ways of doing things; spotting opportunities and threats early and acting; being risk aware rather than risk averse; sharing best practice and successful solutions.
- Resilience – we are tenacious and resolute in the face of adversity, by: recognising the need for flexibility and adaptation; embracing change; viewing challenging situations as opportunities for growth; developing strategies and healthy boundaries to enhance our own wellbeing.
- Energy – our work environment is fast paced, uplifting and fun, where our teams are encouraged to do their best work, by: approaching everything with a ‘can do’ attitude; recognising their role in the wider organisational purpose and vision; believing that a positive attitude is contagious; spreading confidence and optimism wherever they go.

Creating discrete, specialist teams

One of the first moves we made was to designate an executive team to run the business, incorporating legal and non-legal experts across strategy, operations, IT, sales, marketing, HR, finance and compliance. We also appointed a non-executive director to challenge our decision making, and engaged a number of other external specialists to do the same – a national legal auditor for accounts, an IT contractor, and a business coach to hold me to account as CEO. The executive board was expected to run the business using the same principles as any other, coloured by the nuances demanded by the legal context in which the service is delivered.

In addition, we created an operational board, comprising the executive team and the heads of each legal business unit; I became Chair. This was structured more like a traditional partners’ meeting, where we focus on the delivery and performance of our legal services; this board meets quarterly, while each business unit team meets weekly.

Across all departments, it was important that we focused on (recruiting and developing) talented people from the off, not just to ensure we had the right mix of skills and specialisms (both legal and non-legal), but also to set up a talent pipeline by employing the right people in junior roles, who could then learn and grow with the business. We did utilise some outside consultants, but generally took the view that in-house functions would be better as the processes could be designed to fit our needs precisely, and there would be no extra time spent managing external relationships.

Engendering the right ethos and culture was also a key ingredient in this sustainable strategy for human resource – allowing people to make mistakes (to encourage innovation and creativity - the idea being you either succeed, or you learn), creating as much clarity as possible when it comes to expectations, and focusing on solutions rather than problems meant that Team Pepps felt empowered to pull towards our common goals, ultimately resulting in both better performance and lower staff churn rates.

### Priorities

The creation of a dedicated sales team (known internally as ‘Priorities’) was another key move; this function is widely regarded as anathema to the legal profession, but it sits front and centre of the ability to win new clients and grow the business – before all else, a sale. Having this discrete function not just frees up lawyers to be lawyers (formerly, incoming enquiries were answered by legal assistants, who now have more time to support fee-earners), but it was designed to ensure that incoming enquiries are always answered promptly by our dedicated telephonists, and put prospective customers through to our ‘priorities’ team for a consistently positive first contact – with warm inbound calls dealt with by a sales expert used to working in that area of the law. These specialists take time to discuss the customer’s requirements, take background details, manage the diary appointments, book meeting rooms or arrange a virtual appointment via Teams, collate ID, conflict check, take monies on account, and match the client’s personality with a suitable lawyer. They also upsell and cross sell where appropriate, enhancing the level of client care afforded in the first phone call. They also manage live chat.

This team focuses on providing a humane response to the prospect’s problem, collating accurate data, and making bookings, as well as taking payments and cross/up-selling. We also introduced tracking of sales performance to gain insight into what does and doesn’t work, to challenge conversion rates and test out new sales techniques. The sales team’s monthly KPIs include the percentage conversion of leads into files, the average sale value (in Sterling), and the sales investment per file.

## Client Services

To ensure the customer journey continued in this positive vein right to conclusion, we also implemented a client services team', tasked with making sure that any queries or dissatisfaction would be dealt with before any situation escalated to the level of a complaint. This team also cross- and up-sells, so has some ground in common with sales (albeit in an outgoing call rather than incoming enquiry context), and champions reviews, which means some crossover with the marketing function.

The client services department was introduced to the firm in September 2021 with the aim of improving communication and the client journey.

Initially the team worked closely with the residential property department as they had the highest level of complaints, introducing a proactive estate agent update system. This massively improved relationships with estate agents, mortgage advisors and financial advisors, and through relationship building the team helped to secure referral agreements with the same. In addition, customers benefited from fewer delays. The team continues to be deployed strategically across the business to problem solve in the areas where there is most need.

The client services department also implements the Partner For Life programme, contacting clients at several touchpoints throughout their journey to ensure that they have all the legal services they need, and making sure we are front of mind when legal services are required by anyone who has previously used us. The client has the ease of dealing with a single firm, and regular calls not only ensure we are front of mind when new legal problems arise, but if there are any service issues we can resolve them speedily, so the client is satisfied before the matter completes.

## Marketing

A dedicated marketing team was essential as we recognised that as a general law practice our market could be anybody on the planet – but when you speak to everyone, you can often end up with nobody actually listening, so marketing experts were key in segmenting and targeting our prospective customer base, and developing both tactical and evergreen themes. The diversity of the prospective customers demands tailored messages targeted at specific groups within, so that the messages sent trigger a response and stimulate an action.

This team works closely with the lawyers in order to understand the complexity of the services on offer, and communicate the offering in a way that made sense to the target customer (both B2B and B2C). The marketing staff also work closely with our in-house graphic design and social media teams, who are responsible for creating assets and actioning some of the activity.



The marketing department's KPIs include the number of new leads and enquiries, the number of existing clients buying further services, the marketing investment per lead, and the return on investment.

#### Business development

Aligned to the marketing and sales functions is also our business development team, which proactively nurtures relationships with prospective clients, through networking. These individuals act as branch managers, which not only gives them the appropriate seniority for being the active face of the brand, but also ensures they have in-depth knowledge about their branch and its lawyers' personalities and strengths, which is useful for engaging in the type of consultative, partnership-orientated sale and relationship building required.

#### IT

Our IT team was originally formulated as a hybrid function, with both internal staff and external support from Open VoIP (including an acting full-time member of staff who is based at the Pepperells offices). We are in the process of growing the team from the ground up, with internal promotion and additional recruitment as necessary. First and second line support is dealt with in-house; project work is reviewed on a case-by-case basis, and either dealt with internally or outsourced.

The IT team is also progressing a plan to switch from remote desktop servers to a wide area network (WAN), for a more fluid user experience and a reduction in the impact of any server issues. The plan is to retain some remote desktop servers within the architecture, to provide managed access where required. IT KPIs include tickets issued, completed and outstanding.

#### HR

When we first began transforming the business, the HR function was being fulfilled by one person, who had taken on the role having previously worked in the firm's accounting function.

Under the direction of a highly qualified HR professional (MBA, MSc in Strategic HR, Assoc CIPD, MInsl, ACIPP), a strategic review was undertaken, focusing on three objectives: maximising employee productivity, protecting the company from HR issues, and supporting employees. From this, five goals were identified:

- To achieve consistent excellence in recruitment, induction, training, motivation, retention and remuneration of Pepperells employees, whilst being mindful of the health and well-being of the team.
- Working with Heads of Department to identify the ideal model/structure for each business unit.

- To achieve maximum utilisation of the workforce resource throughout every level of the business. This implies that every task is delegated to the lowest cost competent person.
- To continually improve the communication networks throughout the business to ensure that the entire team are fully aware of their roles and responsibilities and in a position to perform at their highest level.
- To develop and implement a training academy with the aspiration to gain our own accredited qualification to deliver both internally and externally.

With these goals in mind, our HR team of six was built to balance professional HR skills and legal profession knowledge, to achieve consistent excellence in recruitment, induction, training, motivation, retention and remuneration, whilst being mindful of health and wellbeing. This would be critical to customer satisfaction and business growth, since an organisation's success is built on the strength of its people.

The KPIs for the HR department comprise people employed, days absence, days holiday, number of leavers, number of recruits, and the days spent in CPD or training. Within the compliance function, KPIs include client complaints, SRA rules breaches, accounts rules breaches, data protection breaches, money laundering concerns, and the retention of Lexcel, ISO and PII.

#### Finance

Our centralised finance team was built to ensure we had the right expertise and experience to guide the growth of our business through expansion and the acquisition of assets, while ensuring a strong financial position. Unusually for a law firm, we opted for staff with CIMA and ACCA qualifications, to ensure that we had the knowledge and skills to be strategic.

Areas of strategic focus included improving the relationship with the legal team, client WIP days, debtor days, the diminishing of DLAs, and improving cash generating performance.

#### Internal and external communications

These are intended to ensure free flowing communication both up and down the chain on a specified and regular basis.

Communication is the crux of any organisation, but must be particularly so when it comes to a people-centric one. We recognised from the beginning how central a comprehensive approach to both internal and external communications would be to business success.

Our marketing and communications activity encompassed a wide variety of initiatives from the start. Merchandise, sponsorship and events to increase brand awareness; community engagement and charitable initiatives (such as our Christmas dinner project, Christmas gifts for children in low-income

families, supplying coats to schoolchildren, providing laptops for schoolwork during lockdown, fuel vouchers and food vouchers)) to engender trust and convey brand values; digital, print and radio marketing to increase reach and visibility; SEO to drive organic search traffic; social media to increase brand awareness and provide social proof.

Internal communications had multiple purposes: to engage with our staff, engender a culture of responsibility and transparency, and bring people happily on the journey with us. It also works to encourage and enable them to act as brand ambassadors within their personal and local networks and beyond – which is especially important since we know recommendation is a key driver in making buying decisions about legal services.

We have a regular schedule of meetings designed to ensure communication across the business:

- Weekly and monthly HR & Finance meetings
- Weekly leadership meeting
- Weekly executive board meeting
- Weekly business unit meetings – crime, dispute resolution, family, divorce and finances, residential property, commercial and wills and probate
- Weekly business development, sales and marketing meetings
- Quarterly operations board meeting
- Annual all-staff meeting

Our meeting structure consistently follows the LION format (last week, issues, opportunities, next week), and all meetings are documented. In addition, working documents such as our business plan and the company organogram are updated regularly. In addition, we use huddles – with their focus on progress, enterprise and performance – to bring staff together for better engagement and innovation:

- OG huddle
- Grimsby huddle
- Newcastle huddle
- Lincoln huddle
- Champion huddle
- Hump day group
- Trainee huddle 1
- Trainee huddle 2
- Legends of Pepperells

We have recently altered our huddle structure to replace the branch huddles (information will now be collated by the branch managers and taken to the OG huddle directly), in order to incorporate

additional huddles on aspects of the business we have identified as meriting specific focus and staff buy-in – namely inclusivity, corporate social responsibility, wellbeing, and environmental responsibility.

We use an internal social media platform, Yammer, to remind staff of our values and the perks available to them, as well as to highlight good work and wish people well when they have a birthday, get a promotion, or are celebrating some other kind of significant life event.

A programme of staff events throughout the year includes away days for team building; an annual awards ceremony, where we celebrate our people and their achievements; and an annual conference designed to encourage cross-departmental engagement while also learning about different areas of the company and other topics relevant to high business performance and customer satisfaction. We also throw a big Christmas party each year for staff to let their hair down and celebrate the festive season all together.

Implementing new systems and processes

For quality, efficiency and consistency, we set up business systems which would facilitate the smooth running of the company – even if key staff were to move on, the processes would continue to operate in the same way, to achieve the same positive results. The underlying principle is that the systems run the business and the people then run the systems. It ensures consistency of delivery and interoperability of tasking.

- Strategic management system (business direction and objectives – growth, systems and process management, business metrics / KPIs, culture, team development, cashflow strategy, marketing and sales strategy, SWOT, quality assurance strategy, recruitment strategy, internal communications strategy, market research)
- Marketing system (paid social, merchandise, qualifying leads, social media posting, content development, PR, website and SEO, referrals, joint ventures, email marketing, print advertising, direct outreach)
- Sales system (CRM, prospecting, workshops and presentations, up-selling / cross-selling)
- Operations system (customer service, job costing, onboarding, service delivery, quality assurance, project and task management)
- Administration system (Information management, IT management, document management, calendar management, H&S, inventory management, scheduling, travel arrangements).
- Cash flow system (accounts receivable, bookkeeping, budgeting, accounts payable, financial reporting, expenses management, payroll, debt collection, cash flow forecasting)

- People management system (communication, staff satisfaction management, training, induction, records management, exit process, hiring process, performance management process, leave applications)
- Compliance system (expressions of dissatisfaction register, complaints register, centralised file audit, accreditation audits and renewals, supervision meetings, compulsory training)

Adopting new technologies

A key part of our strategy to offer a superlative customer experience is to harness the power of technology to improve efficiency and quality.

#### Practice Evolve

Our new case management system, Practice Evolve, was chosen as the closest off-the-shelf product to meet our needs (since none of the ones on the market are perfect), and we have filled in the gaps using other tools such as those listed in this section.

All our documentation is stored on Practice Evolve, so that individual business units can access it and collaborate using Microsoft Teams; this includes the minutes of team meetings, legal updates, requests for assistance and examples of good practice.

Practice Evolve delivers increased efficiency in case management, document and email handling, time recording, work in progress and billing. The system also automatically identifies the complementary services to be offered with every new matter, to ensure lawyers and their support teams are aware, as well as – where possible – automating their delivery. This ensures a better user experience for the in-house team, which has the knock-on effect of improving the customer journey.

#### CIPHR

At the outset of our transformation project, HR data and processes were being managed within spreadsheets, which would no longer be fit for purpose given our growth plans.

A suitable cloud-based HR solution was sought, to support our employee lifecycle and enhance employee engagement through self-service (including at onboarding), as well as creating a central hub for employee data and enhanced MI/reporting, including performance management.

As HR were still duplicating information across multiple systems and spreadsheets, this would free up valuable time that could instead be spent supporting employee engagement and company strategies, as well as bringing the benefits of better staff engagement and more dependable data.

Holiday bookings, rotas, absences, training courses, first aid, personal development plans, and disciplinary issues are all organised through this system, to which all staff have self-service access for the most efficient line management facilitation.

#### InfoTrack

Client services implemented InfoTrack, our new digital onboarding system is initially being used predominantly in the residential property department, where it has made a massive difference to our client journey. Clients are able to quickly and easily upload all initial documents digitally rather than having to visit one of our offices, meaning that their files can be opened more quickly and progressed to a fee earner. In addition, they can use DocuSign through InfoTrack in order to digitally sign documents.

We are rolling the InfoTrack system out across other business units also, as it is proving so successful.

#### Ensuring continuous improvement

Our structure of team and board meetings ensures that every aspect of the business is continually being monitored, reported upon, challenged and innovated, with growth as the ultimate aim.

Developments that have arisen from this process in the last couple of years have included:

- We employed a Head of People and Culture to nurture our high-performing culture, and ensure staff pull together towards our common goals, feel supported in their careers and everyday working lives, and feel able to make honest mistakes without fear, which encourages them to innovate and develop both their roles and our business. This role also supports the growth of our leaders, especially in our legal business units and around the operations board.
- We have added a second executive director focusing on coaching our leaders, alongside a bespoke leadership and development programme.
- We set up a training academy to formalise our internal training provision, ensuring our staff have access to the best opportunities for expanding their knowledge and skills, as well as attracting the best new talent.
- We are recruiting for a Learning and Development Co-ordinator.
- We have set up a bespoke dashboard to reveal our most important business data at a glance in graphic form, enabling us to make decisions more quickly, based on dependable data, to ensure our business can be more nimble in a complex and volatile marketplace.
- In line with the growth of the business, we have created new roles for branch managers, and are looking to implement a structure of area managers also as we open even more branches. This branch manager role has become increasingly important in delivering on customer expectations

in the age of hybrid working, since lawyers (who traditionally might have taken on some of these management responsibilities) are not spending as much time in the office.

- We have diversified by adding Riach Financial Services Ltd to our portfolio, offering mortgages, insurance, investments, and pensions.
- We have introduced a compliance performance management system.

Transformation timeline

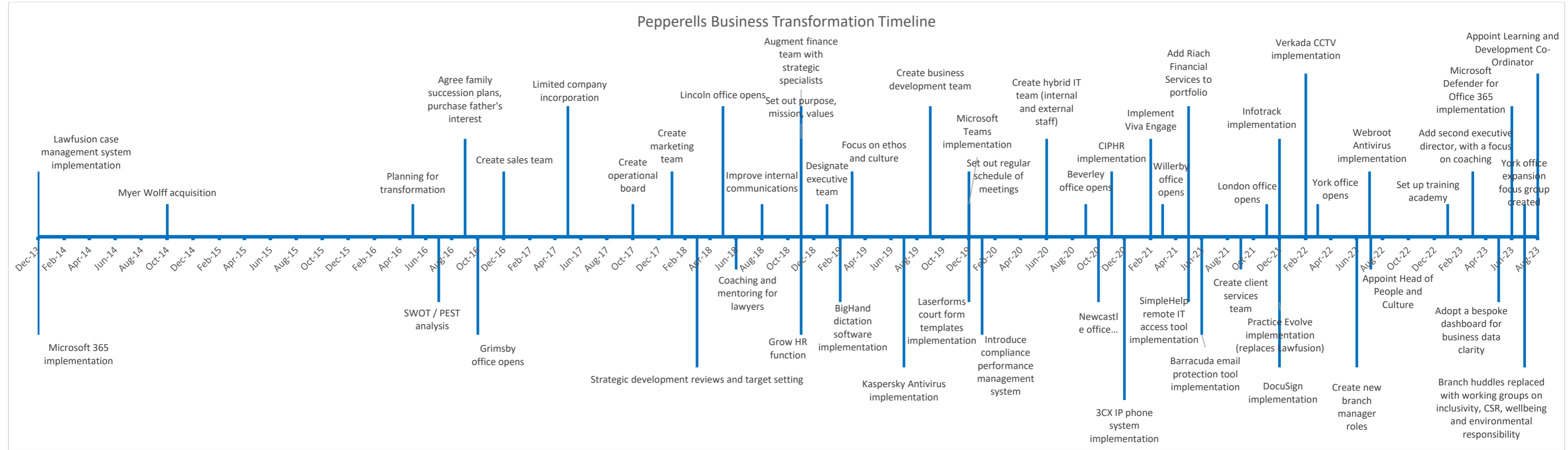


Figure 6 Pepperells transformation timeline



## Interview data analysis method

Following the five stages of framework analysis (Ritchie et al, 2013) – data familiarisation, creating a framework, indexing, charting, mapping, interpretation, and reporting – I undertook a largely thematic content analysis approach, allowing themes to emerge naturally from the data, as this inductive approach would lessen the risk of the results being informed by my own unconscious ideas and biases. I considered framework analysis the most appropriate methodology owing to its usefulness for analysing multiple sources of qualitative data, for generating new insights and understandings, and for research questions which require in-depth and complex explorations of people’s experiences.

I immersed myself in my interview transcripts, reading them each thoroughly twice, writing notes in the margins as I went, to get a sense of the interviews as a whole before starting to break them down into their constituent parts, and therefore get an idea of the major themes that might emerge. It became clear quite early on that the comprehensive literature review process had outlined a lot of the key themes which cropped up when I analysed the qualitative data from the interviews, which meant that although I had used an inductive analysis methodology, it simultaneously felt like there were elements of deductive analysis, with some themes aligning with existing theoretical constructs.

I worked from hard copy, tackling transcripts in sections dictated by the role of the individual; e.g. family solicitors were grouped together, non-executive directors were grouped together, and customers were grouped together. Using Excel to facilitate the organisation of the data, I drew up a coding framework to help organise and interpret the data systematically; the framework evolved iteratively as I recognised patterns, relationships and emerging themes. To ensure that the framework was comprehensive and representative of the data, I refined the categories throughout the analysis process, and eventually was left with three overarching groups of themes:

### Client expectations

- Context of low levels of legal literacy
- Making legal service choices without a foundation of understanding
- Negative preconceptions about using a lawyer – costly, unapproachable, stuffy
- Customer service expectations around quality, speed, cost and outcome
- Customer perceptions of value differ
- Attitudes to customer-centricity and its ability to deliver a more positive experience
- Customer technology use expectations

## **Legal system**

- Law firm structure and culture
- Employing non-lawyers for business roles
- Current skills shortage
- Importance of broader skills for lawyers
- Digital transformation
- Court delays
- Access to justice
- Cost of legal advice
- Lack of public legal education (PLE)
- Chronic underfunding

## **Business practice**

- Lack of motivation to change
- Technology isn't a silver bullet
- Data collection, accuracy, analysis and use
- Digital solutions can provide more affordable access to services
- Long-term value is required to create loyalty (and sustainable business growth)
- Tracking customer wants and needs, and creating value propositions accordingly
- Positioning the firm as the 'helpful expert' (trust plus consistency leads to opportunities when they arise)
- Internal communications and culture
- Attracting and retaining the right staff
- Staff learning and development (L&D)
- Pricing must offer certainty, transparency, choice and value

Using this framework, I extracted relevant quotes from the transcripts and sorted them into the above categories, which highlighted the frequency and nuance of participants' perspectives.

Following Kreuger's (1994) seven criteria for qualitative data interpretation I considered the sorted data in terms of words, context, internal consistency, frequency and extensiveness of comments, specificity of comments, intensity of comments, and big ideas. These criteria enabled me to engage critically with the data, and ensure that both depth and breadth of analysis were present.

Throughout the analysis, I took steps to ensure rigour and transparency, ensuring the framework was consistently applied. Reflexivity was also a critical component ; I regularly reflected on how my own

knowledge and assumptions may have influenced the analysis, while to similarly minimise bias, I revisited the data at multiple stages and compared my initial codes to later iterations.

When it came to presenting the results of this qualitative data, I used a narrative approach to tie together the most revealing excerpts from the interviews, which were carefully selected to illustrate key points and provide context for the broader discussion of findings.

While framework analysis provided a structured and systematic approach, it was not without its challenges. The hybrid inductive-deductive approach required careful balancing to ensure that emerging themes were not overshadowed by pre-existing theoretical constructs, while the iterative nature of refining the framework was time-consuming, although of course essential for maintaining rigour.

By combining the structured nature of framework analysis with a thematic content approach, I was able to generate meaningful insights that address the research questions and contribute to a deeper understanding of participants' experiences.

## Summary

The aim of this thesis is certainly substantial: to identify a blueprint that steers law firms towards better delivering on their customers' expectations, in the context of a chronically underfunded justice system, in a client-centric era where perceptions of what constitutes 'good' customer service may be conflated with any number of other less complex service (or even product) offerings.

With such a huge scope as this, it has been necessary to cover a broad section of topics and perspectives within this study, while still being able to have such clarity of overview that workable conclusions may be drawn, and a functional playbook devised. As such, and in order to triangulate my findings, two main research strands have underpinned my work: interviews with a broad selection of stakeholders (including professionals and customers), and a transformation case study.

Within these two strands I have focused on three broad areas of research which have helped to formulate my ideas: customer expectations, the current context of the legal system, and possibilities for improvement open to firms.

There have also been ethical and practical challenges around eliciting information about stakeholders' experiences, given the private and confidential nature of legal services, the fact that many of these services are only required at life's most stressful moments, and also factoring in professional concerns around voicing opinions that might impact upon matter outcomes and even

future careers. Anonymity has been key to both ensuring sufficient participation and eliciting enough detail through interviewees being able to speak candidly without fear of reproach.

There have also been challenges around the breadth of customer requirements and thinking combined with the breadth of service offering, when it comes to finding sufficient representative interviewees. This has been compounded by choosing individual interviews rather than focus groups, owing to the greater likelihood of participants feeling they had freedom to share.

In addition, the complexity of both clients' and professionals' situations meant open questions were the most useful form of enquiry (providing qualitative not quantitative data). Subjectivity is of course an issue, but given that these are services mostly procured at life's most stressful times, emotional responses are actually an integral part of the knowledge that must be gathered, rather than a hindrance to the work.

Framework analysis (Ritchie et al, 2013) was the method used to extract key points from this wealth of qualitative data, and it has been presented in a thematic narrative form, supported by excerpts from the transcripts. The framework analysis process involved several systematic steps to ensure thorough data analysis. Initially, the familiarisation phase required repeatedly reading the interview transcripts to deeply understand the data. Following this, a thematic framework was established by identifying prominent themes that emerged during the review. The process then moved to indexing, where the thematic framework was systematically applied to the transcripts, marking relevant sections of the data. In the charting stage, data were organised into matrices based on themes, making it easier to compare across different cases. Lastly, during mapping and interpretation, patterns, relationships, and insights were explored, enabling the derivation of meaningful conclusions aligned with the research goals. This structured methodology facilitated an in-depth qualitative analysis and ensured the findings were robust and well-grounded in the data.

The second part of this two-strand research is the case study, which chronicles my firm's transformation over about a decade, as we experimented with various changes to the traditional law firm model and incorporated contemporary approaches to business innovation. To integrate these two research strands, insights from the framework analysis data were used to contextualise the case study findings, allowing for a richer understanding of how the themes identified in interviews mapped onto the firm's real-world evolution. This was understandably a very involved process, so the case study is in many ways quite complex, but in order to gain sufficient oversight within the scope of this study, I have endeavoured to pull back to convey salient points only.

Any quantitative data, such as the results of customer satisfaction surveys and financial performance has been presented in graphic form, while the qualitative data – namely the outcomes observed at

each step of the way – has been incorporated in a narrative which tells the story of Pepperells' transformation (and its ongoing success) over the past decade.

## Analysis and summaries

### Analysis of interviews

One thing that became abundantly clear during my research process is that legal professionals working within the system are frustrated and disillusioned with the situation on so many levels. Much of the material I gathered related to the myriad problems across the legal system, as well as some challenges around meeting client expectations in an age where you can buy almost anything quickly and easily, which is also compounded by a lack of Public Legal Education (PLE) and widespread misconceptions about how the law works. Some of my interviewees proffered solutions, too, though not unexpectedly a common thread was the chronic underfunding of the legal system for many decades, to which there is no solution directly within the control of the profession. In my analysis I have drawn out themes which cropped up regularly in my interviews with industry insiders (legal and business professionals), and customers (both consumer and business), as well as being supported by the customer survey data I have collected over the past decade.

### Client expectations

#### Context of low levels of legal literacy

Since people don't usually know what they don't know – at least, not in any detail – ascertaining the knowledge base from which customers set their expectations is only possible through the reporting of the legal professionals who lead them through their legal problems.

Customer misconceptions about the law cropped up regularly in my industry insider interviews, with the accompanying frustration that lawyers frequently have to deal with customers who don't just lack knowledge, they have an inaccurate understanding that has been gleaned from media such as television dramas or news platforms, as well as from inaccurate 'advice' given by unqualified friends or relatives, or commenters on social media. These misconceptions frequently lead to dissatisfaction in legal services before the work has even begun, since the legal professional must advise their customer that their assumptions about their case are inaccurate, which is oftentimes not what the customer wants to hear – especially if the reality of the situation is less favourable to their preferred outcome.

The disconnect between what customers think they want and need, and their legal position and the legal services they in fact are likely to require, cropped up in numerous interviews with law firm staff:

*“Whilst we deal with all walks of life and our client demographics are vast and varied it is still of some frustration that the lay person does not grasp correct legal terminology. I fear the media play much a role in this by promoting headline selling articles rather than presenting a fair assessment of the law.”*

(Family Solicitor)

*“Legal terminology is still far removed from what a customer would be looking for on purchasing legal services. The use of pay per click and the embedding of key words on google around phrases such as common law wife or custody instead of the legal terminology of Trust of Lands and Appointments of Trustees Act and child arrangement orders is a key part in winning the customer but shows the lack of education in the general public as to what they are actually shopping for.”* (Sales and Marketing Director)

*“Lawyers are told to make the mistake of trying to educate the customer in the law rather than educating the customer in the progress towards their outcome. For example, how many times does a residential property lawyer talk about covenants, rights, restrictions, contracts and transfer deeds when all the client wishes to hear and understand is when will they get their keys to their new home.”* (Residential Property Solicitor)

Making legal service choices without a foundation of understanding  
Not unexpectedly, the customer review data and interview material suggests – in keeping with the other literature on this topic discussed in 3.1.2 ‘Making legal service choices without a foundation of understanding’) – that in the absence of the knowledge, and possibly the time, to make confident, detailed choices based on a variety of deciding factors, consumers often shortcut their buying decisions by relying on recommendations (whether from trusted professionals, friends or family members, or social proof / review platforms), brand familiarity and reputation, and their first contact impressions. These heuristics appear to help them make decisions quickly and confidently even when they don’t have an in-depth understanding of what they are buying.

Other influencing factors seem to include emotion, beliefs, ethics, values, financial status/affordability, perceived value for money, previous experiences (whether positive or negative), desired outcome (whether the desire is for ‘healing’ or ‘winning’), how well the service is understood, the urgency of purchase, the customer’s decision-making personality, and social/marketing exposure (in particular, content marketing’s power to inform the customer and position the firm as a helpful expert).

There are also notable differences between the consumer buying experience and the business customer – the former involves more emotion (needs, wants and fears), while the B2B customer’s focus is more transactional – the work must be completed successfully, on time and on budget, and as such choices are made more on networking, relationships and trust.

As a general rule, it seems that customers are aware of their lack of knowledge when it comes to choosing a legal services provider, although responses to this realisation seem to differ – from making sure that they take a recommendation from someone whose opinion is backed up by more

than personal experience as a consumer, to arming themselves with research about the legal services they require:

*“I did lots of research about the basics of divorce so I could be prepared, on the internet and at my local Law Centre (University of Essex). I thought this understanding would help me choose a lawyer. It didn’t really. My choice was mostly based on how they communicated with me at initial contact; I had some very specific questions to ask, and some very much sat on the fence with their answers. At the time I wasn’t sure if it was because I wasn’t yet paying their hourly rate, or because my stepmother-in-law was a well-known local dispute solicitor, or because they didn’t understand how I like to arm myself with lots of facts and detail before I get into anything. The lawyer I eventually chose gave me detailed advice and her professional opinions from first contact (the first 45-minute call was free), answering my specific questions rather than just trying to give me divorce basics like the others had done. She was also happy to let me do the admin elements (like filing my own divorce application) to keep control of costs. She was not local, and had been a recommendation by my IFA, who knew her through the fact they both appeared as expert guests on their local BBC radio station.”* (Family law client)

*“I was not short of advice from every angle. Friends, family, hairdresser and local publican but it soon became apparent that despite all these people ‘having been through it’ that my case was different and I needed a lawyer recommended by a fellow professional.”* (Client moving law firms mid case)

*“It was the first and probably the last time I was going to sell a business. I had never done anything like that before. I turned to other professionals who I regularly dealt with for a recommendation and went with who my accountant recommended. I did little shopping around, had a good experience but that was more luck than judgement.”* (Corporate client)

*“Clients on the whole have a significant lack of understanding of the difference between commercial and residential, and don’t seem to respect the complexities.”* (Commercial Property Lawyer)

Such buying decision methods may seem remarkably simplistic when you consider that choosing the right legal services provider can have a significant impact on customers’ lives, but given the context of low levels of knowledge about what they are buying, and the fact that legal services are often required at life’s more stressful moments, it’s easy to see why consumers might struggle to make in-depth, considered, logical buying decisions, instead relying on heuristics such as recommendation, brand familiarity and reputation. Indeed, one of my interviewees, the Managing Partner of a law firm, summed it up succinctly: *“One of the hardest challenges in selling legal services to the public is that the public do not understand exactly what they are looking to buy. They often think they need information and indeed that information should just be free and readily available.”*



Customer expectations around quality, speed, cost and outcome

Three significant themes arose from my customer interviews and questionnaires. Firstly, it became apparent that it is common for clients to hold unrealistic expectations of case outcome, and sometimes even conflate the outcome of the case with the quality of the legal services they have received – if the case does not go their way, in their confusion and upset they can consider it the fault of the lawyer rather than the reality of the situation:

*“I was a bit shocked about how much I didn’t know about the law when I went through my divorce. The biggest shock was that what’s ‘fair’ and what the law says don’t always tally. I think my ex had a similar issue, because his behaviour made it really obvious he felt he was entitled to 50% of the house equity despite the circumstances suggesting that this would not be how a judge would rule, as my solicitor explained to me. This eventually led to him agreeing a settlement of 20% of the equity, which illustrates how far off the mark he had been, but he refused to send the signed papers to the solicitor for another six months – and possibly only did so because COVID hit. He told anyone who would listen that he’d been screwed over, even though the settlement figure had been the maximum possible, and he had accepted it, and he declined the option of going to court to try to force a house sale. I’m sure if we both had had a better understanding from the start of how divorce works the process would not have been so long, painful and drawn out.”* (Family law client)

*“Buying a home is incredibly frustrating. Our estate agent was fantastic and we agreed the deal quickly and dreamt of being in our home immediately. The solicitor then estimated it to be a further 6-12 weeks but we completed in week 14. How is that even possible? The house has been in the same place without problems for years and the people moving out were lovely.”* (Residential property client, first time buyer)

*“My mother died, leaving me my inheritance, but I did not receive it for six weeks as the solicitor held up obtaining the grant of probate. They were Executors so I could not do anything about it.”* (Probate client)

*“I was told I would not win my case at the first appointment. I don’t want to pay for that advice as it is not the outcome I expected.”* (Dispute Resolution client)

*“I love those cases where you tell the client not to go to trial, they do, we cover off the advice in writing thankfully, they lose and it still remains the lawyer’s fault.”* (Dispute Resolution Solicitor)

*“You can prepare all the evidence as best you can but sometimes you cannot prepare for the client giving evidence and simply turning the case upside down. The look on their faces afterwards of*

*complete surprise as you explain to them what they have said and done never leaves you.”* (Family Solicitor Advocate)

*“I find that customers are getting increasingly demanding, and not in a polite way either. There seems to be a general lack of trust or respect in the professional to do the job. Some of the language and tone of how we are spoken to speaks volumes of society as a whole at the moment. Clients do not understand and appreciate we have more than just them and their transaction to deal with, and because of the immediacy of email if a reply isn’t received straight away they tend to follow up immediately with a call, another email or a social media post! This puts a tremendous pressure on the team. We should be allowed to leave for the day vaguely on time and take holidays without being criticized, which happens regularly.”* (Residential Property Solicitor)

Secondly, a number of interviewees mentioned that they felt customers might have negative preconceptions about lawyers prior to encountering a good one. This might have a basis in a lack of understanding about the law and legal profession – it’s not uncommon to find people intimidated by institutions, and the professionals who operate within them, bear negative opinions about them without even having had negative personal experiences. During my interviews I discovered that common preconceptions included beliefs that lawyers are quite ‘other’ and difficult to identify with on a personal level, with the assumption that they are costly, unapproachable, will speak in jargon, and won’t necessarily understand their predicament in an empathetic way:

*“I was pleasantly surprised to find the clock and the bill didn’t start ticking as soon as I called the law firm.”* (Dispute Resolution client)

*“I envisaged my solicitor to be, let’s say, pompous and stuck up and not really interested in my school gate issues. She really was not and took the time to understand my family’s personal circumstances. I really felt supported during the case.”* (Children and Family Law client)

Thirdly, it appears that without comparable buying experiences – because legal services are not a regular purchase – expectations of customer service are aligned with service received by other types of provider, even though they are not at all comparable in terms of complexity:

*“Today’s customer-centric firm for the delivery of law is not without its challenges. The invention of the World Wide Web produced information that is readily available within a millisecond on any topic. People have become used to information being available immediately. When you tangle specifics in a case and the complexities of the law alongside real life human emotion that demand for high quality deliver of advice immediately is basically impossible to deliver.”* (Legal Business Owner, non-lawyer)

*“Our complaint register is mostly made up of complaints about cost, speed and communication, and very rarely about legal advice or even outcome. My suspicion there is that even when the case has concluded they may not understand why it concluded in the manner it did nor the journey to get there, but they feel able to criticise aspects that don’t appear to measure up to their other service company experiences – even though there is nothing comparable about the majority of consumer services they will have experienced.”* (Managing Director, law firm)

There was also a suggestion that industry requirements can actually hamper the delivery of quality legal services, which in turn is likely to impact customer satisfaction with outcome, even if their expectations regarding cost are met:

*“The Law Society and the Solicitors Regulatory Authority say we need to define the likely cost of the case at the outset within the first appointment, and the first letter should be the client care letter with the terms and conditions of business. This is usually after one hour with the client. How any lawyer can predict the whole case at this stage, and therefore give accurate cost estimates, is realistically impossible unless they are delivering fixed fees - which increases the pressure on the legal business to ensure cost is met, rather than delivering exactly what the client needs in the case.”* (Compliance Officer for Legal Practice)

The interviews with industry professionals – and to some extent the customer interviews too – all reflected in one way or another the complexity (almost, the impossibility) of achieving the fast, cost-effective resolution that also meets customers’ emotional needs, in the context of a customer base which has such little understanding of legal services. Despite some frustration with constantly coming up against the same challenges and misconceptions, for the most part legal professionals agreed that it was within their remit to lead clients through the processes and decisions required to achieve resolution, and that for the majority of clients this would ensure their satisfaction. It was also widely acknowledged, however, that some clients’ circumstances and attitudes would be such that they were unsatisfied with the customer service they received, even when everything possible had been done to provide exemplary legal services and achieve the best possible outcome.

Customer perceptions of value differ

The interviews with industry professionals – and to some extent the customer interviews too – all reflected in one way or another the complexity (almost, the impossibility) of achieving the fast, cost-effective resolution that also meets customers’ emotional needs, in the context of a customer base which has such little understanding of legal services. The common customer misconception that legal advice can achieve their desired outcome, no matter what it might be, can lead to a feeling that value has not been delivered, because the outcome – or perhaps the speed at which it has been achieved – is not matching up with their expectations:

*“A property client just wants the keys to their home or office. they really aren’t interested in how they get there. They see the bricks and mortar and assume everything is ok so all we actually become is an unwelcome barrier to their outcome.”* (Property Solicitor)

*“I find the cases very difficult when one parent has not seen their child for a couple of weeks already. On the face of it there seems to be no justification for that. I then have to tell them they need to try mediation and it would be a good 12 plus weeks before the court hears the case and even then it may not result in them seeing their child at that stage. Parents just don’t, and in my opinion rightly so, understand that as an explanation”* (Family Law Solicitor)

*“As data and money moves instantly why can we not complete in a week? All there is to do is arrange removal companies which we have already done.”* (Property client)

Attitudes to customer-centricity and its ability to deliver a more positive experience

The topic of customer-centricity did come up regularly, with legal professionals noting that the legal sector must shift with the times and follow the evolution of business as it becomes more centred around and driven by customer wants and needs, with an empathetic approach, rather than a more traditional, self-focused attitude where legal excellence was the goal.

Despite some frustration with constantly coming up against the same challenges and misconceptions, for the most part legal professionals agreed that it was within their remit to lead clients through the processes and decisions required to achieve resolution, and that for the majority of clients this would ensure their satisfaction. It was also widely acknowledged, however, that some clients’ circumstances and attitudes would be such that they were unsatisfied with the customer service they received, even when everything possible had been done to provide exemplary legal services and achieve the best possible outcome.

My interviews with legal professionals revealed several common aspects relating to how customer satisfaction might best be achieved:

- Ask questions and listen carefully to the answers
- Identify your client’s expectations
- Walk them through your process
- Let the client know all potential outcomes
- Revisit client expectations at the case progresses and things change
- Maintain regular communication
- Provide personalised attention

Some comments specifically highlighted how these customer-centric aspects have not previously been a part of the culture within the legal sector, but that awareness is growing, particularly as it becomes more widely known that satisfaction = loyalty = repeat business:

*“One of the best pieces of advice I received was to start a client appointment with an empathetic phrase. I work in Wills and Probate so when a family member comes to instruct us on the administration of their loved one’s estate it proved to be invaluable simply to say “I am sorry for your loss.” We would do that in any other walk of life so I cannot understand why law school never equipped us with that tool.”* (Trainee Solicitor)

*“Today’s client places the most value on communication. This naturally conflicts with a lawyer as they are assuming cost is the main motivator so naturally try and reduce communication. The education of lawyers to become customer centric is a long and ongoing process.”* (Sales Director)

There were also a number of explanations of how managing expectations regarding communication can help to avoid dissatisfaction:

*“I try to manage my diary around communication points and inform clients when they are and are not going to hear from me. The key then is to meet your self-imposed deadlines. For example each week we have completions so my clients know that on the Thursday afternoon and Friday morning those cases are prioritised and any other messages will need to wait till the Monday thereafter.”*  
(Residential Property Lawyer)

*“You must set reasonable client expectations at the outset. Clients must have not only the law explained to them but the rules of the game as to how and when you are to communicate and the impact that will have on costs in their case. They must also be made aware of the rules of the game around billing and prompt invoice paying.”* (Non-Executive Director with financial background)

The interviews also highlighted a number of factors which might challenge the legal professional’s ability to maintain the highest standards of customer service and indeed their own wellbeing – and that firms should put into place processes and support to ensure that lawyers are not dealing with these unaided:

- Tight deadlines
- Long working hours
- A high-pressure environment
- Rescheduled court dates
- Poor work-life balance

- Difficult clients/cases

There are of course also occasions when these problems are unavoidable, due to circumstances beyond the legal professional’s control, and almost every legal professional I spoke to had something to say about the chronic underfunding in the justice system leading to stress and upset for both the solicitor and the client. One Criminal Solicitor put it particularly succinctly: *“How can I call the client back the same day when I am at Court all day and then need to dash straight to the Police Station?”*

#### Customer tech use expectations

Our customer data shows that there has been a fairly even split between clients communicating with their solicitors remotely and in person, although the trend appears to be towards remote; we think that the jump in in-person appointments in 2022 may have been a result of pent-up demand for meeting in-person after two years of periodic lockdowns and enforced remote communications, which has since eased. There was a slight change in the questionnaire for 2023, and what is less clear from this comparison of the figures is that the ‘remote’ figure for 2023 is made up of email and telephone communication, rather than any videoconferencing, which was a feature of the preceding years.

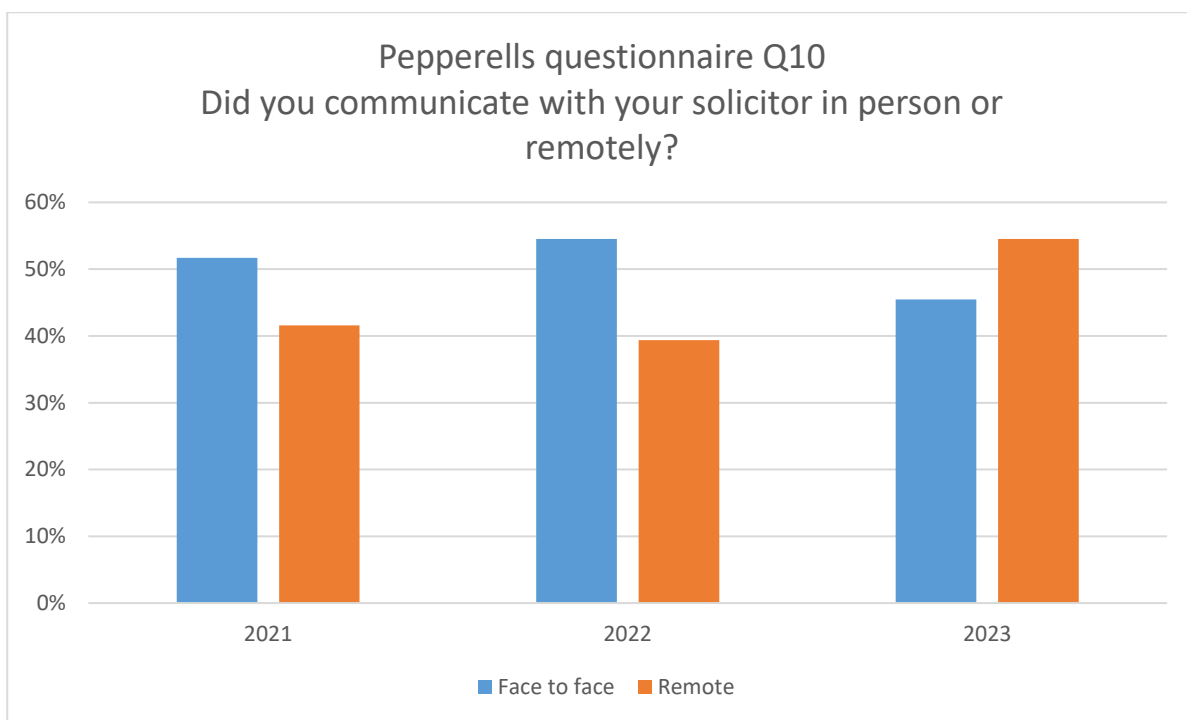


Figure 7 Pepperells customer questionnaire, communication preferences

What our customers tell us is that they expect to have the option of a tech-enabled communication, but that there are plenty of times when only an in-person appointment will do – it’s more about having choice and convenience, rather than a preference as such. Numerous interviews with customers also highlighted how a firm’s approach to business continuity at the start of the pandemic

really polarised their view of the firm's customer service – it was critical to the satisfaction of customers during that time period, and firms that got it right cemented client relationships for the long term:

*“My divorce lawyer was in Kent, and I'm in Essex, but the distance didn't make a difference as we did most of the earlier work on email and occasionally over the phone. I did once drive down for a face-to-face meeting, pre-pandemic. My ex decided to finally send the signed consent order paperwork just after COVID hit, but I didn't experience any COVID-related delays, as my solicitor's firm seamlessly switched to remote working. I also wrote a new will around the same time, using the same firm but a different legal professional, with our meetings over video call, and that was so easy and convenient. The firm's approach to the crisis, and how they made sure I was looked after in such difficult circumstances, means I will use them in future – I know even when the chips are down I'll get good service.”* (Family Law and Wills & Probate client)

Not all firms were as able to pivot when the pandemic hit, however. I noticed a very much polarised view in terms of how firms carried on operating in April 2020:

*“When the pandemic hit we could not work from home. We closed the front doors to the office and people stayed 2 meters away from each other but that was the best we could do.”* (Legal Services Sole Trader)

*“COVID was a nightmare. People went home and the offices closed. There was no ability other than a rota to go and get your client files which meant work basically had a two- to three-week turnaround to undertake a simple task of even writing a letter.”* (Partner of Law Firm)

*“We closed the offices in an afternoon. All staff were able to pick up their laptops, mobile or desk phones and go home. They plugged them in then off they went. They had full case access via the case management system and nothing changed to the delivery and the client experience. The switchboards were answered in people's homes and life simply went on the next day. The tricky part was actually getting other law firms on the other side of cases to do anything. They simply were often not as well set up as we were. It became a huge comfort to our staff as they felt protected by the firm as clearly this allowed us to focus on the health and safety of our staff.”* (CEO, law firm)

My interviews with legal professionals also provided a similarly polarised view of technology as an everyday requirement, not just an emergency measure – evidence of a widening gap between firms equipped to evolve and grow, and those that appear to be struggling to keep up:

*“We must continue to embrace technology. It is essential to our progression as a firm to provide efficiencies and also to improve people's quality of life in and out of work. It helps create a better*

*work life balance and is now an essential non-negotiable component of the business. Yes it requires significant ongoing investment and people to accept and embrace change but we would not be able to keep pace with our growth and increasing market share without being at the forefront of developments.” (CEO, law firm)*

*“We cannot afford to spend on technology. If we did it would be out of date by the time it was delivered and our workforce is used to paper and will not accept it.” (Partner, law firm)*

There was a marked split between the legal professionals who could see the benefits of technology for both their workforce and customer, with its potential to enable easier, faster and more convenient provision of legal services, and those who were resistant to the change – the latter group did largely consist of smaller firms with a more traditionally-minded workforce. Those more open to the idea of increased technology use within the provision of legal services did mention, more often, how clients’ expectations have changed in recent years, both as younger generations start buying legal services, and older generations become more open-minded about technology use (the step-change driven by the pandemic was noted by several interviewees).

## Legal system

### Law firm structure and culture

The idea that the partnership model can be a barrier to law firms making necessary changes was borne out by many of my interviews with legal professionals. Even those who were positive about the model – usually because they were a partner in a firm with that structure – identified weaknesses with it, whether intentionally or not. For example, one law firm Partner told me *“We have a partnership meeting once a year to decide on strategy and direction of the business. All issues wait for then and everyone gets an equal vote. That day can take a long time but it is a fair process.”* In this instance, fairness for the partners appears to be considered a more important consideration than the ability to make business decisions when they are required, rather than on a fixed annual basis.

In contrast, many legal professionals supported the business-like structure, with benefits discussed broadly covering:

- Better efficiency through standardisation of processes
- Balanced work allocation
- More flexibility
- Reduced duplication of work/systems
- Allows areas of specialisation
- Enables and supports growth



- Improved financial performance

Many also discussed the fact that a business-like structure puts its people at the heart of their success; management is one of the most important social activities within an organisation and is fundamental to the effectiveness of the organisation unlike the traditional partnership models. In addition, a common theme was how a business-like structure also enables the legal professional to focus on their strength of delivery in terms of the law, whilst the management and support services run the foundations of the business to support the delivery of the law:

*“Our incorporation from a partnership to the limited company was another catalyst for our growth. It enabled us to become more business minded. We have non-lawyers running the business in the main whilst our lawyers get on with the delivery of the law. Both are happier in their roles. Looking back when we previously gave lawyers roles that were business focused - likes sales and marketing – seems crazy not given they had no qualifications or skill set. It was usually just based on what they volunteered for as a job on top of the fee earning.”* (Legal Director)

In addition, many comments were made around how the business structure regulates the management and coordination of roles, decision making and responsibilities within the business and also defines how information flows between the different levels of management. Various legal professionals also mentioned how this structure can help the organisation work towards its common goal, bringing members of the organisation together and defining functions between them. This enables the development of a coherent culture, which was also considered to be an important aspect in success: *“Culture is at the heart of our growth. People need looking after more now than ever. The cost of people moving jobs far outweighs the cost of investing in your people. The trick though is to ensure a positive culture is coupled with the performance goals that the business sets.”* (Head of People and Culture)

A number of interviewees also mentioned how a business-like structure could:

- minimise personal liability
- improve professional status
- attract new clients and investors
- access a wider range of investment and lending opportunities
- expand into different locations or markets
- create a valuable brand identity
- compete on an even playing field with other businesses in the sector
- maximise tax efficiency and planning

This comment from one participant sums up how the majority of my interviews went, with a clear preference for business-like structures over the traditional partnership model: *“We understand limited companies. We do not understand partnerships. Isn’t the law relating to partnerships still based around a statute from 1890?”* (Specialist Legal Bank Manager)

#### Industry body representation

In amongst the comments regarding the challenges posed by the traditional lawyer mindset, and the shift to new structures and new ways of working, I came across a general feeling that there is a lack of representation by The Law Society, the Solicitors Regulation Authority, the Legal Aid Agency, and the Bar Council:

*“The SRA is supposed to regulate. The Law Society is supposed to represent. Neither have any grasp as to what happens in a law firm on a day to day basis. They appear to be ineffective, as in particular the Government runs them over, which leaves the profession without either a proper shield or sword.”* (Solicitor and Compliance Officer for Legal Practice)

*“The Bar are much better, through their representatives in standing up for the profession. The trick they miss though is that they only look after themselves and their client base, the solicitors are forgotten about. That seems to me to be so short sighted.”* (Counsel)

*“The LAA spend more time and money fighting with us solicitors about travel expenses or reducing pence off a claim than they do in ensuring quality of service is delivered to the end user.”* (Solicitor)

#### Non-lawyer skills within the business

I have already touched on the idea that non-lawyers are an important ingredient in the business-like structure as this came out quite strongly in my discussions with legal professionals, with many such comments along these lines: *“Lawyers doing anything other than delivering the law is madness. They are not trained or equipped for it. A legal business cannot manage with lawyers in charge of IT, HR, accounts or marketing.”* (LEXCEL auditor)

But as well as hearing plenty of comments about how non-lawyer specialists are a boon across finance, IT, marketing and sales, HR and beyond, a number of my interviewees highlighted how much of a benefit it is for lawyers to develop their non-legal skills, especially in soft skills that enable a more customer-centric approach. With a history of the profession focusing more on legal excellence as a measure of quality, this is a significant shift in mindset, but it appears to be one that is taking hold within the sector: *“I feel that my employer is forward thinking in the respect of challenging us for different skills alongside our learnings of the law. We have completed training on tools like the Disc Profile and Myers Briggs. I have a better understanding of myself and my team because of it. Non-*

*lawyers deliver the training, so we get a different understanding of what happens elsewhere in industry.” (Solicitor)*

Crucially, there appears to be significance awareness of the fact that skills around understanding and communication enable tailored service which fulfils customer wants and needs beyond the basic delivery of the legal services themselves. Communication and social skills, including managing difficult conversations, active listening, and adaptation for culturally diverse audiences or individuals’ different communication styles, were all raised as key elements. In addition, diversity awareness was commonly referenced when discussing the type of lawyer who is able to understand and better serve the customer, and those who value cultural differences, diverse perspectives and the ability to continuously learn and engage with a variety of cultures. It is not just about empathy, but also about knowledge and understanding for example a customer who is neurodiverse needs reasonable adjustments:

*“I have ADHD, which was undiagnosed at the time of my divorce. This, along with the trauma response from an emotionally abusive marriage, meant that I found discussions with my solicitor completely overwhelming. I couldn’t think in a straight line let alone communicate effectively or remember what had been said afterwards. Perhaps initially she thought I was flaky because I wasn’t being honest, and I was trying to take my husband to the cleaners, but when I explained how much I struggled with phone calls, even though at the time I didn’t know why, I think the penny dropped. Instead of phone calls I would send her emails with my questions and explanations of situations – because in writing it’s much easier for me to get my thoughts in order, not forgetting anything – and if it was a case of giving me specific advice she would email back, though if discussion was needed she would let me know in advance and we’d schedule a time, so I could make notes before we talked.”*  
(Family law client)

*“I was petrified of calling a law firm let alone walking into the office. I had never used a lawyer before. The call team immediately put me at ease by taking genuine concern in my case and they took the time to listen to me even through the tears.”* (Divorce client)

In addition, a broader skill base for lawyers was considered to not only include skills to help with resilience – including stress management for oneself and team members – but also commercial understanding and business skills which enable them to add value to inter-departmental communications and collaborative decision making, as well as manage their teams more effectively, nurture junior talent, contribute to problem-solving business challenges including conflict, and play a part in growth through business development activities (employing skills such as networking, presenting, pitching, selling and relationship management):

*“I have trained as a mediator and a collaborative lawyer. Both training courses were pushed by central government, judiciary and relevant associations. The barriers to actually using them in practice are high but the skills I learnt from them have been invaluable in managing my team and my clients on an individual and personal level.”* (Family Law Solicitor)

*“My mindset has always been a can-do attitude. The emails and phone calls (often chasing an email) are just relentless and I was at the end of the road, seriously considering a career change before it broke me. It was only when someone advised me to look at what I was doing from above, and re-order things in my diary by priority, that I managed to gain control of everything. This meant I enjoyed work again and had some home life return.”* (Property Solicitor)

#### Current skills shortage

The current availability of suitably skilled candidates for lawyer vacancies was mentioned by a number of legal professionals during interview, and the situation is becoming so critical that clients are noticing the problem, too: *“I had a choice of maybe six solicitors with the specialism I needed in my local area. After discussion it transpired that because it was Legal Aid work and the fees that the Legal Aid Agency pay meant that younger lawyers were not wishing to qualify in that field. This has meant a shortage of replacements when solicitors retire. My solicitor actually retired during the case and I had to move firms. That scared me as I had to basically start again with a new person, at a time when I was in a situation that was life and death to me.”* (Family law client)

The challenges around Legal Aid are well-documented, and the deficit of available legal professionals, particularly in some geographical areas, was generally assigned to the fact that underfunding and cutbacks have led to this type of work becoming much less appealing to both individuals and law firms. Even firms which want to continue with a Legal Aid offering are struggling to recruit the next generation of lawyers: *“Encouraging the younger generation into the training programme for the criminal team is exceptionally difficult. The hours are rubbish including out of hours calls and the remuneration poor. The Legal Aid Agency simply does not remunerate at a reasonable level let alone a level to persuade people to operate in that field. We don’t even have a convincing story for them. You only need to review the national legal aid deserts or the national average age of a duty solicitor to see the impact that has already happened. I worry we are too far down the road now for recovery.”* (HR Director)

However, it’s not only Legal Aid roles that are proving harder to recruit for; numerous interviewees spoke about the difficulties of recruiting for other areas of the law, citing a variety of factors including a shift in attitudes to working hours and wellbeing amongst entry-level staff in particular (and a corresponding shift in the power balance between employer and employee, owing to a shortage of good candidates), plus a common thread was the impact that the pandemic had on

senior lawyers, with a trend towards self-preservation rather than nurturing the next generation of talent: *“The pandemic impacted the development of corporate lawyers in many firms. Firstly, it made supervision and training harder from a distance but secondly it gave those senior lawyers significant concern that they may need to hang on to their personal relationships with clients and not pass them on. We saw a return of self-preservation which had taken some years to move forward. The juniors simply weren’t being given the chance or the contacts.”* (Corporate Solicitor and Business Owner)

Several legal professionals did note that one approach that can help firms to discover untapped talent pools is to focus on diversity, reaching out to candidates from non-traditional backgrounds, and helping to level the playing field by running specific programmes for those from low-income families, those with disabilities, those from diverse ethnic backgrounds and other underrepresented groups.

*“The Law Society’s Diversity Access Scheme is invaluable to aspiring solicitors who face financial obstacles to qualification, I only wish that it could offer more scholarships, since a person’s abilities to be a good lawyer are certainly not linked to their socio-economic background.”* (HR Director)

*“I’m pleased that there’s been such a focus on recruiting for skills and aptitudes, and a number of programmes designed to support candidates from non-traditional backgrounds in pursuing a career in law. This shift in attitude enables businesses to find the best people to safeguard their future success, and deliver the best possible experience for customers.”* (Head of People and Culture, law firm)

#### Digital transformation

Having already discussed attitudes – and barriers – to digital transformation within firms, many legal professionals had something to say about the digital transformation happening (or not) within the legal system as a whole, and none of it was very flattering. There is very much a common criticism of the lack of joined-up thinking and coherence when it comes to digital tools supposedly designed to improve the efficiency of the justice system – many interviewees stated that they didn’t think the MoJ is even getting the basics right:

*“There is no compulsory national database or record of Wills made, which causes all sorts of problems. There are many instances where a Will cannot be located, especially if it has been created by and unregulated business. The client who thinks they have detailed their last wishes lose out, and so do the intended beneficiaries. Another problem is poorly drafted clauses, which is a huge issue across the industry. Charitable gifts often fail because of this.”* (Wills & Probate Solicitor)

*“A dizzying number of different portals for issuing and progressing matters makes for inefficient working, as we’re always having to switch between them and use their different processes. There’s one for the High Court and Business Courts, there’s MCOL for money claims, PCOL for possession claims, MedCo for personal injury, OIC for damages, MIB for uninsured driver claims, CICA for criminal injuries compensation...”* (Dispute Resolution Solicitor)

*“A central log for information and disclosure – including the Police, CAFCASS checks and Social Services – would make case progression infinitely more straightforward and efficient.”* (Family Law Solicitor)

*“COVID proved that we could hold hearings over the telephone and via video call, why aren’t we using more of these to speed up justice and clear the backlog? I can’t help thinking it’s because the judiciary would prefer to revert to the old ways of doing things, because they prefer sitting in person.”* (Family Counsel)

Delays and inefficiencies

My legal professional interviewees had huge amounts to say about the delays and inefficiencies they have experienced within the legal system. A lot of the information was quite granular, varied, and the volume astounding, so I have cherry picked a selection of frustrations to highlight a fraction of the difficulties my legal services colleagues are facing on a daily basis, organised into general thoughts, and then by the area of law:

*“The statistics around court delays are quite awful, I think I read that civil court delays are now the worst on record, while some crown court cases have been stuck in the system for more than six years. It’s ridiculous.”* (District Judge)

*“We’re really reaping what has been sown over the past few decades; the justice system has become a shadow of its former self due to chronic underfunding. We can no longer claim to have the best justice system in the world.”* (Solicitor and legal firm owner)

*“One of the easily fixed problems I can identify with the court system relates to judicial continuity. It’s logical for one person to preside over a case from start to finish, this ensures consistency when it comes to case management decisions, and also time is wasted if different judges have to get up to speed with an in-progress case. To me this would be a no-brainer when it comes to making decisions to clear the court backlog. It is supposed to happen now but in practice it just does not.”* (Family Law Solicitor)

## Criminal law

*“The process of getting papers from CPS via the case management system ‘common platform’ is a joke – you need the client’s name in the exact spelling, their date of birth, and the CPS case reference number (which is, ridiculously, found on the papers we are asking for, and we do not have it before receiving these) to actually input into the system to get the papers. We often resort to emailing the Court legal advisor so we can make progress; lack of resources generally leads to delays – and long delays to Trial dates are no good for our clients, or for victims and witnesses either.”* (Criminal Defence Solicitor)

*“The IDPC served are often inadequate, with no statements attached or Egress link for CCTV evidence which is often critical. This leads to Not Guilty pleas being entered and Court Trial diaries booking up unnecessarily just because the CCTV is awaited.”* (Criminal Defence Solicitor Advocate)

*“The CPS don’t review cases between a Not Guilty plea and the Trial date, even if a Defence email raises issues with their case. This often means the case is discontinued just before or even on the day of Trial, putting the Defendant under pressure for a long period when the case should never have been brought in the first place.”* (Police Station Representative)

*“When it comes to the Saturday morning remand courts, the police / CPS papers are often not ready, and the Court just releases the prisoner because they can’t make progress, and cases are adjourned. Even if progress can be made, no Probation Officers are ever at court so if PSR is needed, the case has to be adjourned anyway.”* (Criminal Defence Lawyer)

*“The police now have a system of releasing clients ‘under investigation’ instead of bailing them, which means the police can take as long as they like to conclude an enquiry. This leaves clients not knowing if they will face criminal prosecution for often well over a year. We lose track of clients, they can’t remember who was at the interview with them, and they ask for Duty at court so we lose the court job and they lose the continuity.”* (Police Station Representative)

*“The introduction of pre-charge engagement did not gain traction. The police just don’t investigate anything from a Defence point of view, even when it is raised in interview. This very narrow-minded approach is also made worse by inadequate untrained interviewing officers. When they got rid of trained interviewing officers it led to chaos.”* (Criminal Defence Lawyer)

*“Because the police got rid of investigating officers, PCs now have to do the time-consuming office-based tasks like mobile phone downloads, which takes them away from actual investigative tasks. This also means we can’t get any police contact to check on case progression, and officers don’t tell us outcomes, which leads to slow decision making.”* (Criminal Defence Lawyer)

*“The police ring the Defence Solicitor Scheme as soon as the client is arrested, and they ring us straight away – we have to then ring police station, even if it’s the middle of the night and even if the client is not to be interviewed until the morning. This is bad enough, but the police often don’t answer the phone so we might be ringing for an hour in the middle of the night as we have to log a case within 20 minutes if Duty or 45 minutes if own client to meet LAA audit requirements. The old system of police ringing us in the morning was by far more practical. This is just for the Legal Aid Agency statistics.”* (Police Station Representative)

*“Police interviews often proceed when they have no evidence, THEN they do enquiries, then they want to interview again. As we get a fixed fee nothing is paid for further interviews that we have to attend, or for a witness ID parade, or for the letters that have to be sent to clients, or for chasing officers for decisions over months.”* (Criminal Defence Lawyer)

Family law

*“There’s definitely been an overall drop in standards. Problems I’ve seen include experts, social workers and guardians not being available, a lack of judicial case continuity which causes a lack of judicial case management, papers get lost, there seems to be a lack of judicial preparation (such as reading documents), and there can be delays caused by lack of disclosure by the police too. These issues cause delays which have really significant effects on people’s lives – especially if there is a parent who’s got no contact with their child pending the judgement.”* (Children’s Law Solicitor)

*“The Portal has a very long-winded way of logging on – two factor authentication – and you often have to go through the process twice. Even once you get in nothing is straightforward. Different judges and courts seem to adopt a different approach, some asking for orders to be emailed to them prior to upload, some wishing for the upload to be done first.”* (Trainee Divorce and Finances Solicitor)

*“The notice of change system does not work for divorce cases, an error message comes up and you end up having to email the court. This takes the court months to deal with, causing delays, and you have to chase by phone and/or email.”* (Divorce and Finances Chartered Legal Executive)

*“If you need notifications to go to a different solicitor, the change process is a nightmare. Once the outgoing solicitor is removed, you cannot then allocate new solicitor on the portal, and you get passed from pillar to post trying to fix the problem. Even if there’s not the need to make such changes, notifications are problematic. You don’t always receive notifications when orders/notice of hearings are added by the court to the portal.”* (Divorce and Finances Solicitor)



*“There’s a three-month delay on dealing with email correspondence at the Bury St Edmunds divorce centre, while if calling you can be on hold or waiting for the phone to be answered for more than an hour, and so can’t take other calls in the meantime.”* (Divorce and Finances Solicitor)

*“Applications for Bailiff Services are taking six to eight months to deal with – this is quite ridiculous.”* (Domestic Abuse Specialist Solicitor)

*“Courts seem to be dealing with applications in financial remedy cases differently, for example, on application some courts still require an allocation questionnaire (Sheffield) despite the application process on the portal including the allocation questionnaire. This causes additional work and a delay to issuing the application.”* (Divorce and Finances Solicitor)

Wills & Probate

*“There are delays at the Probate Registry, Court of Protection, Office of the Public Guardian and the Land Registry. I would imagine it’s a resource issue within those organisations, since there’s bureaucracy that seems to be designed to throttle the demand on communication – for example the Probate Registry only lets you discuss two files per phone call, after what is usually a 45 minute hold, while the Office of the Public Guardian lets you discuss only three files, after a similar time on hold.”* (Wills & Probate Solicitor)

*“There’s no consistency across the different banks, which makes our job more complicated and onerous. While most banks are fine with postal communication, there are some – such as Virgin and NatWest – who insist we use their online portal. They all have different thresholds for money release without a Grant of Probate (some are as low as £10,000 plus needs a Grant, some will release £50,000 without). Some accept electronic documents/closure forms via email, while some need wet signatures in the post.”* (Wills & Probate Solicitor)

*“There are so many inefficiencies because of the way we have to work. For example, every page of a Lasting Power of Attorney must be stamped and signed for it to be a proper copy, and you still need to do the IHT400s if you need to use the Residence Nil Rate Band, even though the estate isn’t taxable.”* (Wills & Probate Solicitor)

Residential property

*“I find that estate agents often make the conveyancing process much more difficult than it needs to be – they don’t seem to understand the process, things would go more smoothly if they weren’t involved in the transaction after the offer has been accepted. A lot of these problems would also cease to exist if estate agents were regulated. Referral fees should be banned, too, because they create a monetary gain rather than a customer-centric referral, which means the agents tend to*

*choose the lawyer with the biggest referral fee rather than the one that's best at the job."*

(Residential Property Solicitor)

*"There's just so much red tape in conveyancing, especially when acting for lenders, as the industry hasn't all caught up with new technology and we're still dealing with a lot of paper documents that could be digital. And lenders are hard to get hold of. We need all the lenders to be on one panel/portal and all communication in one place. You have some lenders on LMS some on Lender exchange some aren't on either... There are also some serious delays at the Land Registry."*

(Residential Property Solicitor)

*"The conveyancing process could be made so much more efficient if there was more disclosure up front, perhaps even with solicitors instructed before estate agents. Property information forms and fittings and searches could be done at the outset by the seller and so would be available straight away - of course searches may become out of date if the property takes longer to sell, but they can always be repeated if necessary. The process would be so much quicker if we could carry out all the due diligence/ standard checks and prepare draft contracts before the property goes on the market."*

(Residential Property Solicitor)

*"Better designed Property Information Forms would make a big difference to the speed and efficiency of conveyancing. They should include more questions, especially some pretty standard questions which are always raised about the title, such as 'Has there been a breach of restrictive covenants?'."*

(Residential Property Solicitor)

*"CQS is a bit of a nonsense – the renewal process (and its fees) is onerous, and in fact the exams are unnecessarily difficult and not in any way linked to the actual job that we do."* (Residential Property Solicitor)

Commercial property

*"Third party representation, usually in bank appointed legal teams, is a nightmare simply because they feel the need to justify their existence, and this leads to unnecessary increases in time and costs."*

(Commercial Property Lawyer)

*"I see fees being negotiated down instead of up all the time. For me should be an hourly rate for commercial work rather than the fixed fee regime followed by some; it's just too complex a job."*

(Commercial Property Lawyer)

*"I don't find agents help to smooth and speed up the process, which would be the most constructive way of working, more often they seem to harass everyone and rile them up."* (Commercial Property Lawyer)

(Commercial Property Lawyer)

*“Prices for commercial searches, reports and EPCs are very high, and not always factored into clients’ budgets.” (Commercial Property Lawyer)*

*“Landlords have free rein really to charge what they want on assignment/consents etc, and this could be better regulated – firms in London, for example, charge five times what we charge and clients have little choice but to stump it up.” (Commercial Property Lawyer)*

*There’s a lack of quality CPD available, options are few and far between.” (Commercial Property Lawyer)*

Dispute resolution

*“The law around private renting is not just complex, the thinking behind it does not seem very joined-up, and this causes all sorts of problems and inefficiencies – and that’s before you consider that the already varied notices and time limits differed substantially for periods of time over COVID. Unless landlords have served specific documents at the start of a tenancy, they are restricted to serving a Section 21 when they want to regain possession of the property. This process is very admin led, and easily held up – for example an order can be refused simply because documents are not within a bundle even if they have been filed at court. Added to that, Housing Associations and Local Authorities will not rehouse someone from the private rental sector unless they have a possession order after bailiffs have arrived. It’s also worth noting that once a tenant has been evicted, it’s very difficult to pursue them for unpaid rent.” (Dispute Resolution Solicitor)*

*“We are seeing a lot more litigants in person issuing claims for breach of contract, and defending themselves causes an increase in costs for the defence. We then get annoyed clients because of the higher invoices!” (Dispute Resolution Solicitor)*

*“The specialisms across civil litigation are so varied, with 18 different pre-action protocols and so many rulings across each specific area of civil litigation. This complexity makes everything so much more complicated and it’s just not necessary. In addition, the Judge’s discretion for orders makes it very difficult to advise with any certainty the actual risk of litigation, so it can seem very much like we are not providing advice as to next steps, just giving options and risks.” (Dispute Resolution Solicitor)*

*“Some litigators do not like to pick up the phone and reach agreements, they prefer to simply bat emails or letters backwards and forwards, pushing up time and costs.” (Dispute Resolution Solicitor)*

Access to justice

It almost goes without saying that access to justice has suffered in the wake of swingeing cuts to all kinds of funding, from Legal Aid changes to investment in the court estate (while police practice changes have also had an impact, too). Cases might not even see court if the complainant does not

have the funds to even seek advice on their legal problem, let alone bring it, while those who have made it into the system may find it is a process to be measured in years rather than weeks or months:

*“I see on a day-to-day basis the impact of court delays on my clients. Victims and the accused are having their lives put on hold because they have to wait years for their case to come to court; it’s not surprising that some victims lose their nerve and choose not to take their case forward.”* (Criminal Solicitor)

*“At the police station, officers tell clients that they are ‘entitled to free legal advice from the Duty Solicitor or they can have their own solicitor.’ Because of the way they phrase it they make it sound like only the Duty Solicitor is free – so often they choose Duty rather than a solicitor who has represented them before, because they don’t realise they are also accessible through legal aid.”* (Police Station Representative)

*“PS Duty schemes lacking in numbers as newly qualified Solicitors choose other legal areas which are better paid and not expected to work out of hours. This means there are legal deserts where there are very few or even no Duty Solicitors available. There is currently a consultation about the Skegness Scheme as they have insufficient Duty Solicitors to cover it, and the LAA is considering making North Lincs and North East Lincs Duty Solicitors cover this – despite the fact many are beyond the required 45mins travel time to get the police station.”* (Duty Solicitor and Head of Criminal Team)

Children and families also seem to be bearing the brunt of a lack of access to justice – which has implications for the wellbeing of future generations. In turn, this has implications for health service budgets (particularly those pertaining to mental health), school funding requirements for wellbeing, and even the future justice system, as it would seem kids who struggle with hardship and trauma in their early lives are more likely to end up in trouble with the law:

*“A lack of funding for family law cases, and the difficulties of dealing with the Legal Aid Agency – for example, the bar is quite high when it comes to proving domestic abuse in order to access Legal Aid for a divorce – has led to unnecessary trauma and hardship for children and parents.”* (Family Law Solicitor)

*“There’s just so much wrong and it’s impacting on families massively. We’ve seen an exodus of experts when it comes to Children Panel solicitors, and a poor uptake in this career by juniors. Not only has legal help funding been pulled, so there’s a lack of introductions into mediation, but there are more litigants in person who don’t really know how everything works. I feel like there’s a lack of commitment to true wellbeing – the KPI is speed when it should be justice.”* (Family Law Solicitor)

*“When I was faced with divorce my biggest concern was money. I knew solicitors were expensive, and my income was half that of my husband’s, so I was worried about the bill for legal advice. I really needed good advice because he’s the sort of person who likes to ‘win’, plus our child is autistic and has ADHD, but he’s always been in denial about her needs so he can put himself first. Then I found out about a local university which ran a Law Centre free of charge, where law students work under the supervision of qualified legal professionals, so I made an appointment there for some initial advice. It really put my mind at rest to know advice was accessible to me even if I couldn’t afford a fancy lawyer.” (Family Law client)*

Also, with the lack of access to legal advice comes a rise in those representing themselves in court, if they make it that far with their legal problem. Lack of knowledge and understanding not only puts them at a disadvantage in terms of their outcome, but has an impact on the efficient running of the case, contributing to the huge backlogs we are seeing in the courts:

*“Litigants in persons continue to be on the rise. We are officially told to not make a fuss about them but in reality, they increase the time a case takes, limit negotiation and in extreme situations cause security concerns. Lawyers are useful to create efficiencies that often happen in the court corridor so the court case can be heard quicker and with less emotional pain for people.” (District Judge)*

*“Funding issues often create unfair playing fields in representation. That has an outcome on a case for sure so does impact justice.” (Deputy District Judge)*

*“My case went off the rails once I had to abandon my legal representation as I could not afford any more. The solicitor on the other side suddenly seemed to be in control, had the ear of the judge and I was completely out of my depth. I just wanted the case to finish as it was so scary having to deal with it alone. It started to damage my health.” (Civil client)*

Of course, there is also the question of quality when it comes to those struggling to access legal advice owing to cost. It cannot be assumed that the information given by free or low-cost services is as good as that which is more expensive, indeed it might well be assumed that you get what you pay for. For example, those using university law centres are being advised by students, and the quality will largely depend upon the quality of the supervision by qualified solicitors. In addition, there is a question mark over the robustness of the professional indemnity insurance cover, should anything go wrong.

It should not of course be assumed that law firms aren’t doing their bit to help those unable to cover the cost of good-quality legal advice, although of course the pro bono work undertaken by them will

never go as far as to make a significant dent in the huge numbers of people who need advice but cannot afford it:

*“We have lawyers in schools to improve understanding, at food banks to assist or helping out at domestic abuse agencies. Lawyers are carers and go above and beyond for their clients. They recognise the challenges people face on a day-to-day basis and generally want to help people.”*

(Managing Director of a law firm)

*“I was already going through a divorce when I was assaulted by the man I had started dating. I was unsure whether I wanted to report him, as he was a former police officer, and also I didn’t think I could handle potentially two distressing court cases at once. I confided in my solicitor, who recommended a criminal defence solicitor at another firm, so I could discuss it with him and understand what might happen in such a case. He gave me half an hour of his time, then declined to take any payment because I was already having to scrape together the money to pay for my divorce solicitor’s advice.”* (Divorce client)

*“There was no way I could have gone to court without my representative. I could not have asked my ex, who was abusive, any of the questions that they did. It would have just been a disaster and I wouldn’t have gone through with it. I got the protection and the result I needed. My representative did this for free as I had spent my savings and they knew I was just over the income limit for legal aid.”* (Family Law client)

The media and public perception

A number of the legal professionals I interviewed mentioned the challenges they see as a result of clients getting their information from the TV, the press, or social media, particularly those working in crime, family law, and civil litigation – any contentious area of law. There were few suggestions around how this problem could be solved, however, since the general feeling appeared to be that the only option open to law firms is to offset the misinformation with correct guidance:

*“With no previous personal experience of anything to do with the law, I could only go on what I’d heard or seen, whether from friends or things like TV storylines. I was a bit shocked to find out that the process was nothing like what you see portrayed in the media.”* (Family Law Client)

*“I’ve lost count of the number of times somebody had asked me about their rights as a common-law spouse, or about the custody of children. There are numerous perpetual myths and misconceptions that persist in the general public’s thinking, and they are therefore set up for disappointment by default.”* (Family Solicitor)

*“It’s frustrating to see how both police procedure and the court system is portrayed on television, especially soaps. It’s rarely accurate, and I find people tend to have all sorts of strange ideas as a result, then they either don’t believe you or get cross when you try to put them straight.”* (Criminal Defence Lawyer)

*“The media circus that accompanies celebrity court cases is something that always makes my heart sink. It’s inevitable I’ll get clients drawing comparisons and thinking that I’m not giving them good advice, because it doesn’t tally with the press stories, forgetting that the press sometimes adds a sensationalist angle to their reporting, and might omit to mention details that would have significant bearing on the outcome.”* (Dispute Resolution Legal Executive)

*“A web content strategy creates a blog resource which educates prospects when they seek out legal advice or services through a search engine – the added bonus is it’s also a lead generation tactic, provided good SEO is employed, and it positions the firm as a helpful expert, too.”* (Marketing Director, law firm)

#### Chronic underfunding

Unsurprisingly, a common thread – mentioned by virtually every professional interviewee – is the lack of proper funding for our justice system. Of course, there is no solution directly within the control of the legal profession, but – with the support of our industry bodies – we must bear some of the responsibility of campaigning for positive change and the injection of better funding before the system falls over completely:

*“We have a completely out of date, not-fit-for-purpose criminal justice system that needs an injection of funding at every level to become efficient. We are meant to have the best criminal justice system in the world – but it fails at every level. Justice delayed is justice denied to all those involved - defendants, victims and witnesses.”* (Criminal Defence Lawyer)

*“Legal Aid is a joke. We’re not getting paid a decent rate for what we are contractually obliged to do by the LAA, and in fact we are having to do a lot of work for no payment at all. There have been no legal aid rate increases for more than 20 years; the mileage rate has remained static at 45 per mile despite massive increase in costs of fuel; fixed fees means we are not paid for the scope of the work we actually have to do; out of hours is insufficiently remunerated for the drastic effect it has on lawyers’ home lives; excessive admin requirements have been imposed by the LAA – mostly unremunerated – including audits, peer reviews, core testing - and now we have a tender process for new contracts, so there are constant hoops to jump through. Shall I go on?”* (Criminal Defence Lawyer)

*“Courts have insufficient numbers of Court Legal Advisors. For example, Grimsby Magistrates Court will very soon will have no working legal advisors at all; lots left to join the CPS, while others are other off on maternity leave or long-term sick. The only options left are drafting in out-of-town legal advisors, or cancelling Courts.”* (Duty Solicitor)

*“The Court Listing is atrocious; the system is clearly overloaded, and the duty allocation unfeasible – often one lawyer is down for duty in two different courts which is unmanageable.”* (Duty Solicitor and Head of Criminal Department)

*“Crown Court rates are paid by page count, not the actual work that is done. Burglary rates are especially low. If a Defendant elects trial in the Crown Court, and the matter cracks before Trial, we get paid a ridiculously low fee – approximately £300 – despite all the work that has been done on the case to prepare it for Trial.”* (Crown Court Criminal Defence Lawyer)

*“Conveyancing delays are rather obviously the result of underfunding at the Land Registry, and the same can be said for the Probate Registry. It’s really clear that the only way to create better efficiency is to resource these functions properly.”* (Law firm owner)

## **Business practice**

In the absence of any direct control over how the legal system can be improved for better user experience (for both industry insiders and their clients), the best option for many law firm leaders is to review their own organisation’s ability to work within this flawed system as efficiently, effectively and empathetically as possible.

As part of my interviews with industry insiders, I asked about how the business transformation practices seen in so many other sectors can help to bring law firms into the 21<sup>st</sup> century, to the benefit of lawyers, non-legal professionals, and clients alike:

*“Reviewing our structure was the first and most important job to do in our business transformation journey. That in itself was not an easy task or indeed a quick one so we had to get on with it. Debating the strengths and weaknesses of the different ownership entities, managing the complex personalities and individuals’ goals and ambitions took us a good 12 months but it has proved imperative that we got it right.”* (Law firm owner)

*“Being a limited liability partnership improved our business in ways we didn’t imagine. We became more professional, accountable, dynamic and efficient.”* (Law firm owner)



*“Remaining as a partnership, for me, limits our business. I have had this conversation with many of our partners but they simply do not want to move. We cannot get decisions done in a timely way and this leaves us behind competitors.”* (Law firm owner)

Tech isn't a silver bullet

Talking to lawyers and non-legal professionals, there is certainly the sense that technology can do as much harm as good when it comes to improving the experience of working within the legal sector, and smoothing the customer journey – however the majority of negative comments do seem to be more about systems operated by the judicial system, as covered in ‘7.1.2.5 Legal system: digital transformation’.

When asked about the digital transformation of firms' own processes, there was a lot more positivity:

*“Technology developments have been immense for us as a business. Case management, AI, workflows, research, reporting and training have all made massive strides which has meant the value added to the business is clear and evident. It took some time to embed but the sceptics have long now been won over.”* (IT Director, law firm)

*“When I look back 10 years and remember signing every hard copy letter that left the office at the end of the day, and passing a physical cassette to my secretary with the dictation on it, I do actually stand back in amazement how far we have come, although I know the progress has been - and still is - slow compared to other professions.”* (Senior Dispute Resolution Solicitor and law firm owner)

*“Client demands made us adopt many technologies. Clients simply do not wish to wait and want speed in delivery more than anything. That would not be possible without technology and if we operated in the way we used to clients would just choose another law firm.”* (Residential Property Solicitor)

That said, several legal sector professionals noted how investing in technology had reaped the most rewards when solutions were chosen to support specific tasks and business objectives. It was also clear that the best results were achieved by using tech solutions designed in such a way as to reimagine models and workflows, rather than simply buying tech that digitised existing ways of working:

*“Lexis Nexis Legal Research is a complete game-changer, all the tedious legwork involved in casework, looking at multiple sources, is replaced by a quick online search. Switching to this service also means we can have confidence in what we find – we know nothing's been missed, and that we have access to the most up to date judgements.”* (Family Solicitor)

*“Streamlining the more transactional legal services has helped us to save time and money, which means we can more easily deliver the speed and value the customer is looking for. For example, InfoTrack has been invaluable in offering the level of service we want to offer when it comes to conveyancing.”* (Residential Property Solicitor)

*“The bad old days of everything being in paper files are a thing of the past, which saves a huge amount on physical storage space. Even better, digital case management systems not only keep track of customers’ matters, but they can automate admin and also provide business insight thanks to the data generated by your firm’s activities.”* (Operations Director, law firm)

*“Digital dictation reduces the administrative burden significantly, and you don’t even have to be in the office to dictate and transcribe. It’s made the way we work so much more efficient.”* (Criminal Solicitor)

Data collection, analysis and use

Making decisions based on dependable data is something that more and more legal sector business leaders are buying into – because it works. Common aspects of the business in which data-driven decisions are likely to be made by law firms include sales and marketing, HR, operations and compliance:

*“We must keep track of our client base. It is essential that we know what interests them and what makes them review our website and makes the phone ring.”* (Marketing Executive)

*“Naturally what we strive for is increased sales but we need a game plan for that. The best place to start is your firm’s client data. Too often is it ignored and a sell to a current client that has the trust already established with the business is significantly easier than chasing a stranger down the street for the first sale.”* (Sales Director)

*“The job is all consuming and therefore incredibly stressful. We need to constantly be taking the temperature of our firm and the culture. We use employee surveys for this mainly as well as keeping our ear to the ground. Absenteeism and potential burnouts are what we are looking for.”* (HR Director)

*“Data allows us to manage the 200 staff we have in one snapshot. We can see caseload, case movement, time spent and billing which allows us to track an individual’s performance, capacity and in turn review wellbeing issues.”* (Operations Director, law firm)

*“With the complications and breadth of information required for PII renewals and audits such as Lexcel or ISO then the data must be on point for the firm. There are so many pitfalls that you just*

*cannot take compliance seriously without taking data capture, accuracy and analysis seriously.”*

(Compliance Officer for Legal Practice and Director of a law firm)

Data analysis skills, however, are not all that common among legal professionals, and several industry insiders mentioned the need for this to be considered within recruitment strategies:

*“When recruiting young lawyers, we ensure they understand data and are capable of its analysis. We also check they agree that it is important to stay on top of the data. Their case loads are no longer in a filing cabinet but in a computer database, so that data must remain up to date. It a factor as important as their client care skills, but it’s not a skill that’s yet been given much emphasis by the HE institutions.”* (HR Director)

*“Emails are so intrinsic in today’s job and society that staying on top of the numbers in your inbox, and sent and deleted items, means that you are organised, efficient and ultimately not overwhelmed by the collection of data. Email management is a skill we look for at recruitment.”* (Operations Director)

*“If you cannot manage your data you cannot work at our firm. Compliance, client care, sales and marketing and performance all demand it. We have to recruit with that in mind at all times.”* (CEO, law firm)

Can digital provide more affordable access to services?

There has certainly been the suggestion from some quarters that digital technology can help widen access to legal services by making them more affordable, however this has currently only seemed to be the case for large firms creating bespoke tools for business clients to use, and charities setting up discrete projects to help specific groups with their legal needs.

When I spoke to law firm leaders, their perspective was actually that – in the context of the type of law firms that the majority of business and consumer customers will use – technology risks increasing costs, potentially decreasing affordability, while some customers prefer to conduct their business in-person, in the traditional way:

*“We love technological advancements, but they come at a cost to the business, and we have found that cost is often not one a client is willing to accept to be passed on at the point of sale.”* (Residential Property Solicitor)

*“Client onboarding can be revolutionised by technology but we still have clients who prefer not to pay for an electronic system and would rather come speak to members of staff in branch offices to have them personally complete checks.”* (Operations Director, law firm)

*“Price and indeed the presentation of that price is so key to sales that the client will wash over what technology you use to deliver the law. They expect that to be a given. The reality though is far from that and different firms deliver in many different ways. We still see letters coming off a typewriter in some instances.”* (Sales Director, law firm)

Long-term value is required to create loyalty (and sustainable business growth) During my conversations with industry insiders, one commonality with the older model of law firms was the need to create long-term relationships with clients. However, the way this needs to be carried out certainly seems to have changed, with no guarantee that clients will remain loyal simply through habit and loyalty. Customers seem more likely to use a number of firms over their lifetime, and the way in which firms proactively create loyalty have more in common with other contemporary service industries than traditional legal sector networks:

*“For generations we have been very fortunate to know that certain local families and businesses would just return to the firm without much encouragement. That was something we have taken for granted and now we certainly have to entertain more conversations around price and service.”*

(Managing Partner)

*“Hospitality invites, Christmas gifts, vouchers for things such as a free coffee, birthday cards and discounts have all been added to our repertoire to retain a loyalty from our client base.”* (Marketing Director, law firm)

*“It is essential you firstly do a good job for the client, but then it is just as essential to ask for another job or indeed a recommendation to someone new.”* (Sales Director)

Sustainable growth is unsurprisingly a priority for business leaders too, with client retention activity as well as reputation and word of mouth recommendations considered significant drivers in this achievement:

*“You must protect with every fibre of your being the client that is already engaged with the firm. It is essential current clients return for their next job, to form a foundation for growth. No point chasing new clients if you have lost the current ones.”* (Managing Partner)

*“Word of mouth and recommendation, whether it be from a professional, friend or family, still remain essential and the main catalyst for growth.”* (LLP Partner Owner)

*“If you know the feeling amongst your current client base, that allows you to at least have a chance to estimate what sales you may achieve in the following year. As lawyers we have few long-term*

*contracts and to plan for growth and allocate resource appropriately having some benchmarks as guidance is at least a very basic start point.” (CEO, law firm)*

Tracking customer wants and needs, and creating value propositions accordingly  
Recognising the changing demands of each new generation of customers – and tracking needs through their lifetimes – seems to be something that more law firms are beginning to consciously do, with sales and marketing functions working closely with the legal business units to ensure that suitable propositions are not only created but accurately and temptingly communicated to the right target audiences:

*“Too often you hear that lawyers and marketers simply do not get on in a legal business. Both say the other does not understand the needs of the client. Once we challenged and addressed that, we saw some magic happen which allowed the formulation and timing of the marketing message to complement the legal department’s expertise.” (Marketing Director)*

*“Our CRM system means we can sell to our current client base services that they need at the right time. This is actually enhanced client care. For example, each budget brings out new tax rules so we can access the relevant client database to then advise individuals of changes and recommend a relevant service.” (Sales Director)*

*“Customer needs are the motivation behind a customer's decision-making process. The consumer's desire is what drives them to purchase a product and select the service provider that aligns to their values or immediate circumstances. As a business we take the time to triage the individual’s situation and identify the right legal expert within our organisation to meet their needs.” (Director of Sales & Marketing)*

Pricing: transparency, choice and value

The pricing of legal services has always been a huge challenge when it comes to customer expectations, since contentious matters defy accurate fixed pricing, and even simpler process-led matters can sometimes be more complex depending on circumstances. Firms use various methods to offer certainty, transparency, choice and value – although customer attitudes can still be challenging:

*“The collection of cash in law firms is one of its biggest challenges. Lawyers struggle with the conversation with the client at the outset and people genuinely cannot afford bills at this moment in time. The longer issues are left though the larger those bills tend to become so it is a circular issue. People often expect the advice and then wish to pay in the future. It doesn’t happen that way if you are collecting your groceries.” (Financial Director, law firm)*

*“If conveyancing providers would stop the race to the bottom on fees, the whole industry would be better off. Low fees lead to rushing, they lead to pressure to complete more work within a set timeframe, and this results in more errors and more falls through the cracks because parties try to dodge responsibility. It would be better to set fees at a level that enables conveyancers to dependably do a proper job.” (Residential Property Solicitor)*

*“The industry has historically avoided price transparency, this has not helped support trust and confidence for legal firms. We strive to be clear on services and pricing so consumers can make informed decisions. With the current economy we feel we are in a great position to be a serious purchasing consideration as we have price pointed our products whenever possible over the years. Consumer confidence is key and cost is an important trigger right now.” (Sales & Marketing Director, law firm)*

Positioning the firm as the ‘helpful expert’

Trust plus consistency leads to opportunities when they arise, so marketing and PR activity must keep firms front of mind within their target audiences. Content marketing was something mentioned by a number of the legal and non-legal professionals within our discussions, while having a presence at community events and supporting local charities also loomed large as strategies to ensure their firm would be considered as a go-to when the need for legal services arose for customers:

*“As a business we collaborate to support the communities in and around our branches. Ensuring we are aware of issues that are important to our clients is imperative, building trust and integrating is a big part of becoming approachable experts” (Director of Sales & Marketing)*

*“There’s a lot to be said for being the firm who freely offers useful generalised advice, or explains in layman’s terms situations where legal services may be required – of course mentioning the ramifications of people making certain choices in those situations – via web content. After all, many people’s first reaction to a potential legal problem is to go online. Well-written content can drive enquiries via organic search, plus the very fact that you are publishing such knowledge engenders trust, as the potential client is not only assured that the firm knows what they are doing, but are reassured that the firm has a helpful and customer-centric approach and is not all about maximising cost, which I think can be a common misconception held by those who are not used to buying legal services.” (Content strategy consultant)*

Internal communications and culture

The vast majority of interviewees who worked in law firms agreed that the provision of excellent customer service requires happy, eager, positive, driven employees – they are more successful at bonding with the customer, and this is reflected in eventual satisfaction levels. It was widely

discussed that the employer-employee relationship is critical for creating the right culture and environment in which staff can flourish – improving collaboration, facilitating problem-solving, fostering a learning environment, reducing employee turnover, improving employee satisfaction/engagement, creating psychological safety, promoting diverse culture, encouraging better wellbeing, and promoting learning and development:

*“It’s important to create effective procedures that will promote employee voice and foster employee representation. For example, through feedback evaluation such as employee surveys to ensure that employees’ voices are acquired and considered.”* (HR Manager, law firm)

*“Another way the right culture is achieved is by training senior leaders within the firm so they are aware of the firm’s values and mission to promote a positive working ethos throughout the company.”* (Operations Director, law firm)

*“Human Resources plays a key role in shaping a positive culture and working environment. This is vital to shape our behaviours and values at work. A positive culture also increases collaboration which cultivates innovation. Creating the right culture improves employee morale and increases satisfaction, attracts top talent and encourages staff retention. It is imperative that HR understand the existing culture and continually and compassionately review and implement HR strategies to support a positive and engaging working environment.”* (Head of People & Culture, law firm)

Specifically, skilled and charismatic leadership was mooted as one of the most important ingredients in a positive working culture; removing obstacles and enabling employees to focus on their specific work objectives was seen as a key part of this role, too:

*“A charismatic leader can empower others to work towards a great common goal through operating on the courage of their principles and standing up for their beliefs.”* (HR Director, law firm)

*“An effective leader can influence others by encouraging them to improve their performance.”*  
(Managing Partner)

Attracting and retaining the right staff

One aspect of the changing business practice of the legal sector that came up repeatedly was the need to recruit staff with a broader skillset – both in terms of the soft skills legal professionals need to deliver the optimal customer experience, and in terms of the breadth of different specialisms required to run a successful law firm in today’s marketplace:

*“Good teamwork skills are essential for legal professionals as they need to collaborate with colleagues, other professionals and clients to achieve a common goal.”* (HR Director, law firm)

*“Good communication skills are necessary to enable legal professionals to build trusting relationships with their clients and engender confidence.” (CEO, law firm)*

*“Organisational skills are vital as trainee solicitors must meet the deadlines of their multiple tasks at work, at the same time as meeting the deadlines of their studies.” (Solicitor and SRA appointed Training Principal)*

Staff retention was a popular theme, also. It was widely considered that not only does reducing churn help raise quality and smooth the way for a both a positive working culture and business growth, homegrown talent is an important resource for businesses who want to be really rooted in their local communities:

*“Staff retention can be achieved is through senior leaders actively striving to build strong relationships with their team members to enable trust and as a result, encourage them to share their thoughts and concerns.” (HR Manager, law firm)*

*“It’s important to offer clear career growth opportunities for employees by creating an actionable path they need to follow to achieve their goals.” (Training Co-ordinator, law firm)*

*“The power of having fun is a contributing factor to staff retention as social activities can result in building a stronger culture by boosting levels of creativity and engagement across the company.” (Operations Director, law firm)*

Although the situation has improved somewhat in recent years, there is still a feeling that some law firms lag behind in making the transformations that lead to genuine improvements in wellbeing for staff. There are still questions to be answered around salary, culture, competitiveness, job satisfaction, opportunities for advancement, and issues within the legal sector, to help ensure that firms can not only recruit new staff of the right calibre, to deliver the right level of service, but retain them once they have been employed:

*“Promoting wellbeing is vital in preventing employee stress and fostering healthy working environments, resulting in employees and businesses thriving together.” (Head of People & Culture, law firm)*

*“Introducing efficient support systems such as mental health first aid or in-house counselling is enabling companies to stand out to potential employees as they demonstrate that they are compassionate and caring towards their employees.” (HR Director, law firm)*

*“Offering flexible working is essential for promoting wellbeing at the workplace by accommodating employees with childcare, wellbeing and personal commitments.” (Operations Director, law firm)*



## Staff L&D

Another key aspect that feeds into both staff retention and ensuring the best possible customer experience is learning and development. With businesses built on their people, it's clear more and more firms are developing their own internal training programmes, in order to equip staff to deliver an excellent customer experience, but in some cases there is still more emphasis on excellent lawyering:

*"Leadership training is essential for senior legal professionals as they act as a supervisor for others and regularly experience circumstances where they need to take control of a situation such as during negotiations."* (CEO, law firm)

*"Training legal professionals is also necessary to meet the client needs by maintaining compliance, legal competence, and ethical standards."* (Solicitor and Compliance Officer for Legal Practice)

*"A firm with well-trained employees will result in more satisfied clients and will ultimately improve the reputation of the company."* (Sales Director, law firm)

## Pepperells case study

Our decade-long transformation of the Pepperells business began with three core objectives, which align with the learnings from both my reading and original research:

- Reducing the gap between the offering/service and contemporary customer expectations.
- Delivering the most efficient and effective services in the context of a challenging, complex, underfunded legal system (out of law firms' control).
- Aligning business practice with the latest thinking when it comes to people, technology and customer service.

Using business data from the past ten years, it's been possible to track the positive impacts that this transformation has had upon both stakeholders' experiences and the company's growth, through meeting these objectives.

## Business data

The most workable (though imperfect, owing to difference in scope) indicator of general forward movement in our endeavour is perhaps the Executive Board’s ‘completed actions’ data, which shows how the speed of progress has varied over the past four and a half years – since the founding of the Board.

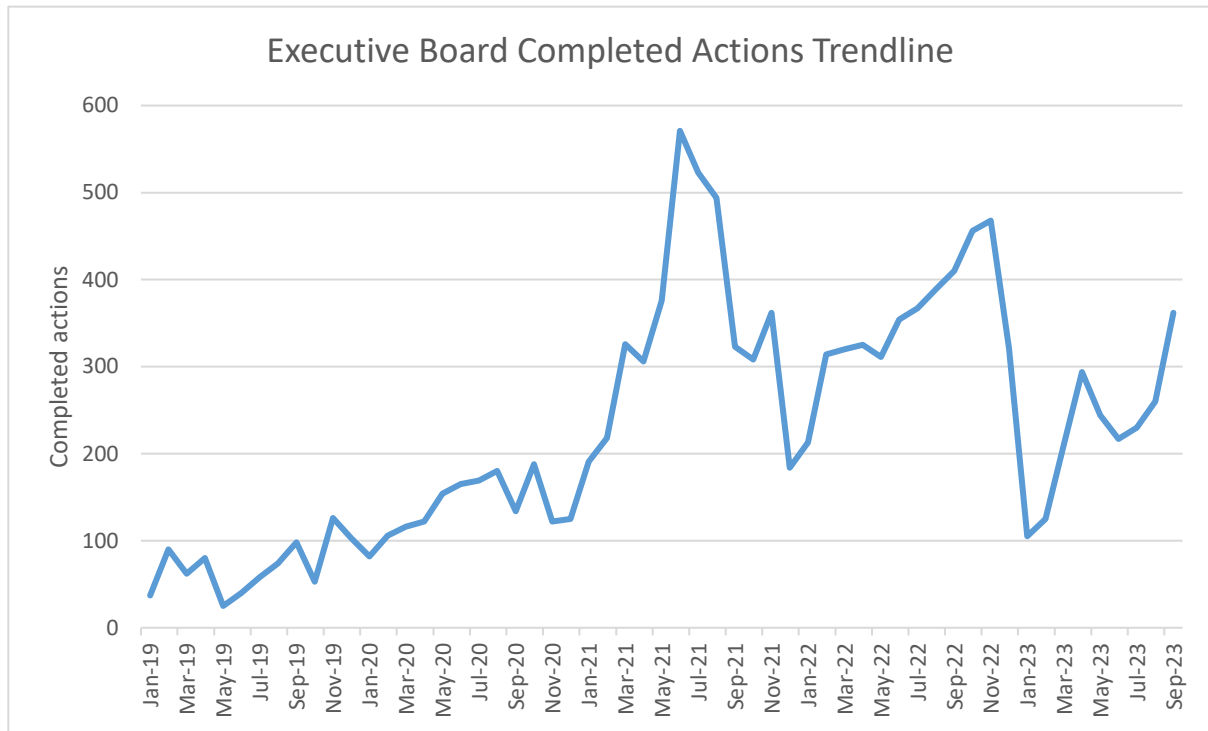


Figure 8 Executive Board completed actions timeline.

Ultimately, however, actual business success – the outcome of the activity quantified by ‘completed actions’ – is more successfully indicated by data relating to sales, such as enquiries and conversions, as well as turnover, and also customer satisfaction.

Our dedicated sales team – which we call Priorities – was first introduced in 2016, although it took a few years before we started using a data-driven approach to be able to evaluate the efficacy of our strategies.

The sales figures from the period January 2019 to December 2022 clearly show that although the conversion rate dropped, booked work has tripled in this time period; indeed the successful sales made in December 2022 are roughly three times the level of sales in January 2019.

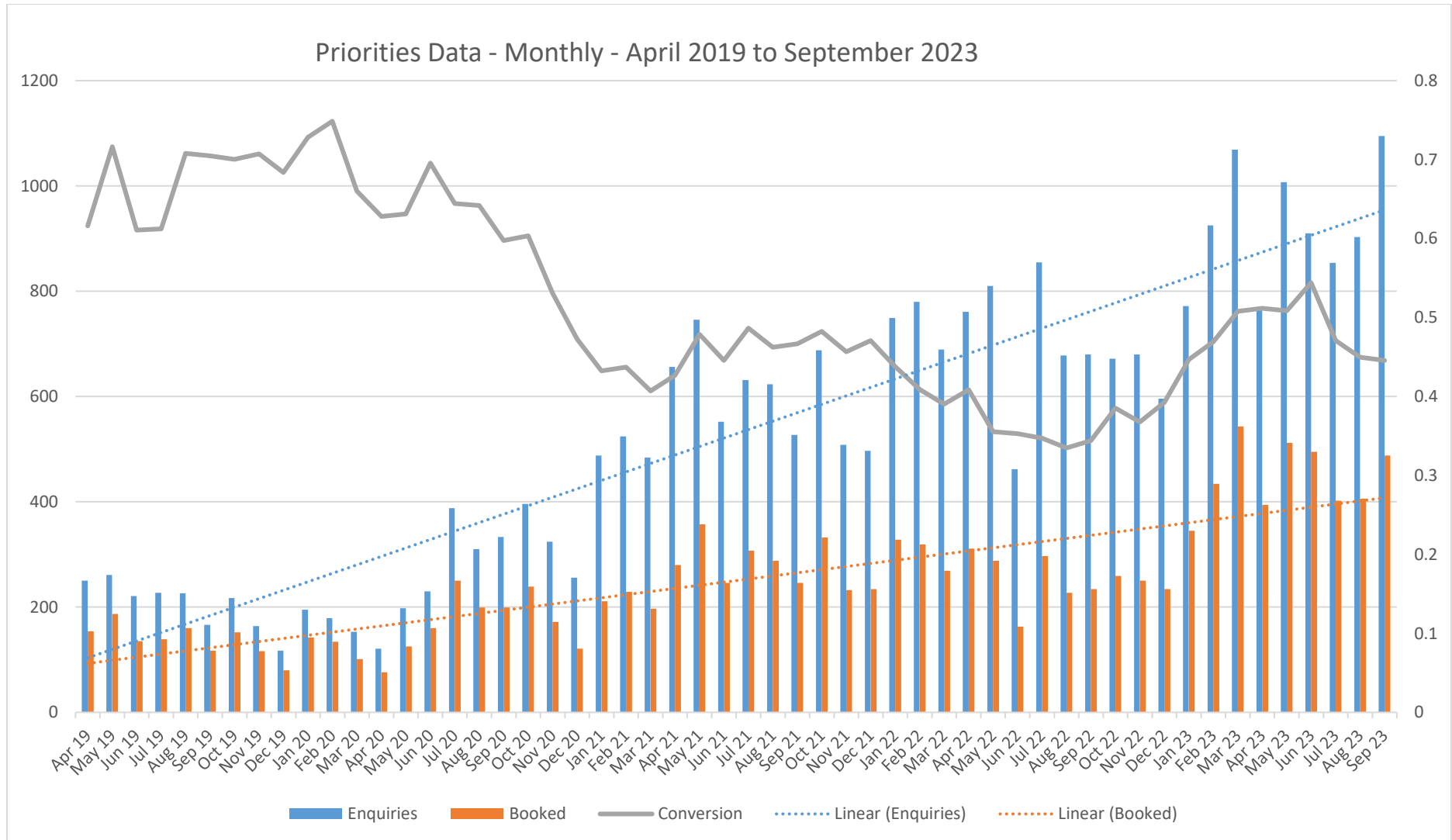


Figure 9 Priorities (sales) data for Pepperells April 2019 – September 2023

Also indicative of business success is the turnover metric. This graph clearly shows significant financial growth through the time period beginning with the incorporation of the limited company to date, the first bar chart shows growth in terms of headcount, while the second bar chart demonstrates how the biggest percentage increase of turnover coincided with when the earliest period of transformation was taking place:

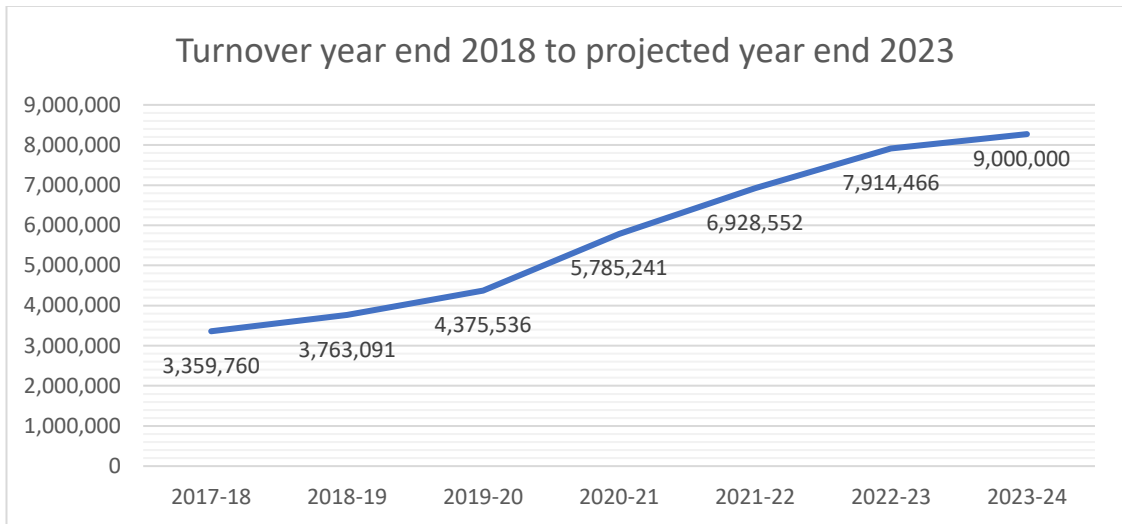


Figure 10 Pepperells turnover growth 2018 – 2023.

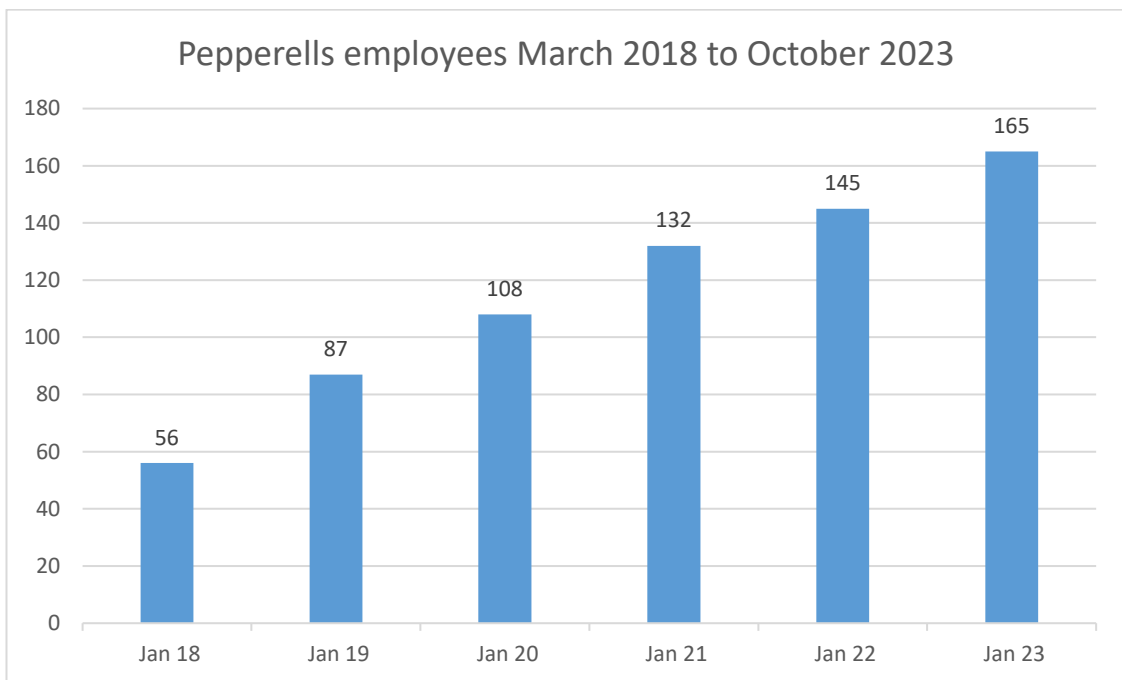


Figure 11 Pepperells staff numbers growth.

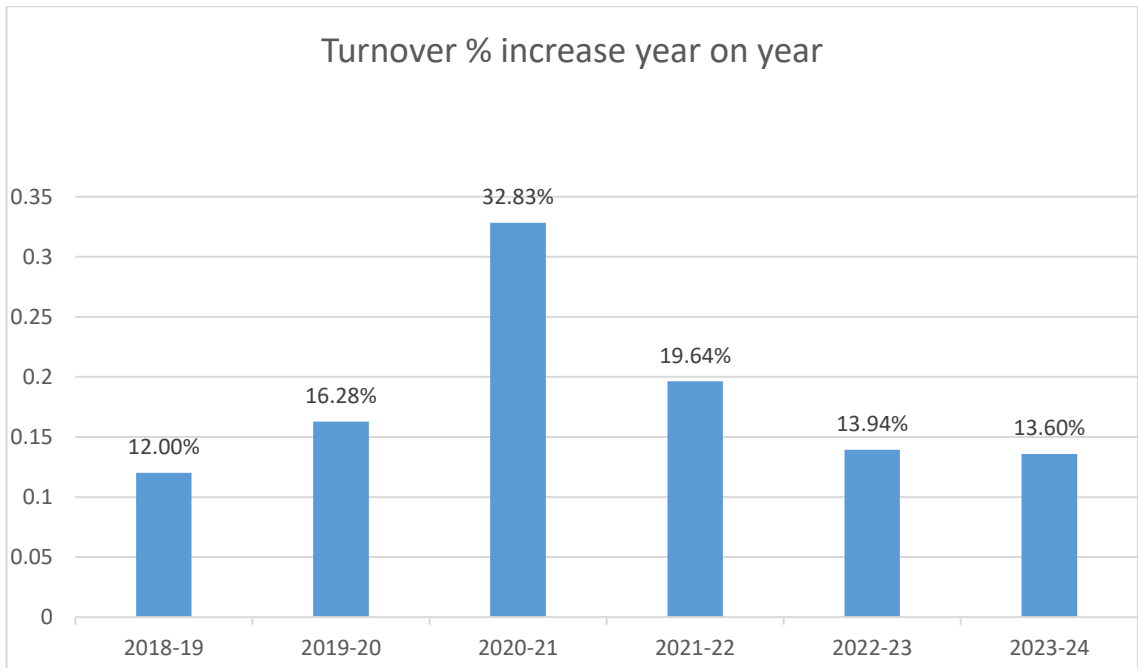


Figure 12 Pepperells turnover growth.

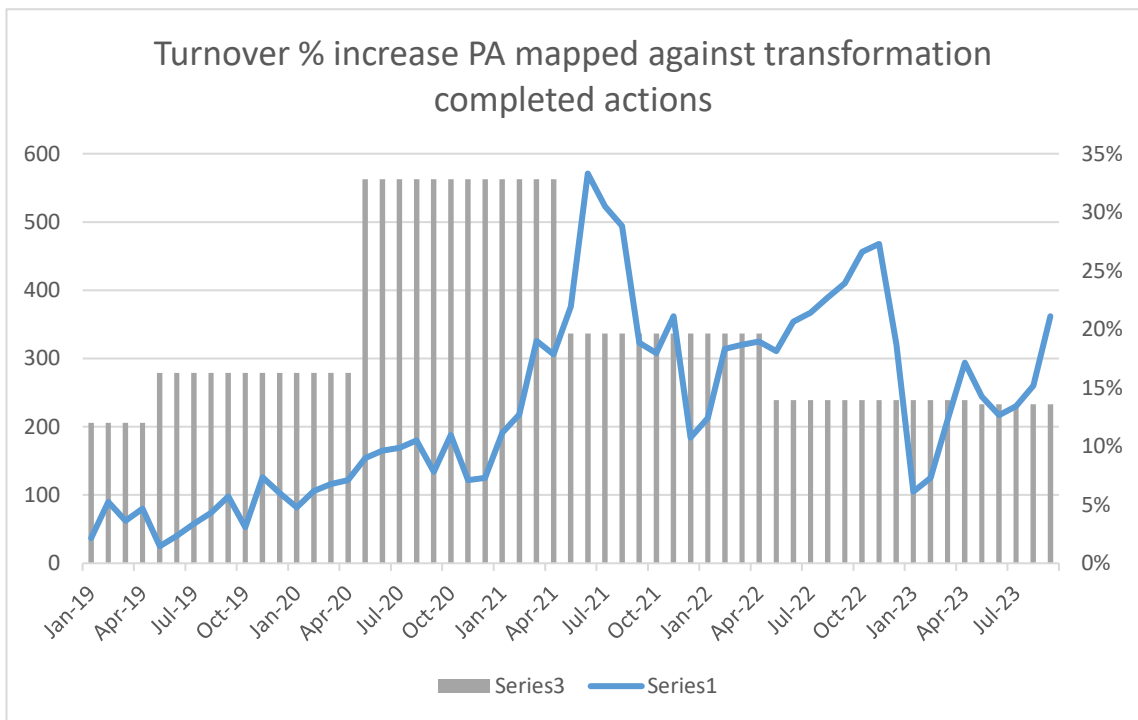


Figure 13 Pepperells turnover mapped with transformation progress.

### Customer experiences

One of our key considerations throughout the transformation has been how important it is to customers that their legal professional takes an empathetic and client-centric approach in helping them to navigate unfamiliar territory, since – allowing for the fact that a lawyer cannot always deliver on a customer’s expectations of outcome and speed, and so must manage those expectations – this is the only way to ensure a positive customer experience.

The importance of this focus is borne out in our Review Solicitors data (Nov 21 – Sept 23), as ‘easy to understand’ was the ninth most popular positive term used, while the related topics of ‘great communication’ and ‘approachable’ were in the top 10 (fifth and sixth respectively), while ‘friendly’ was also notably in fourth place:

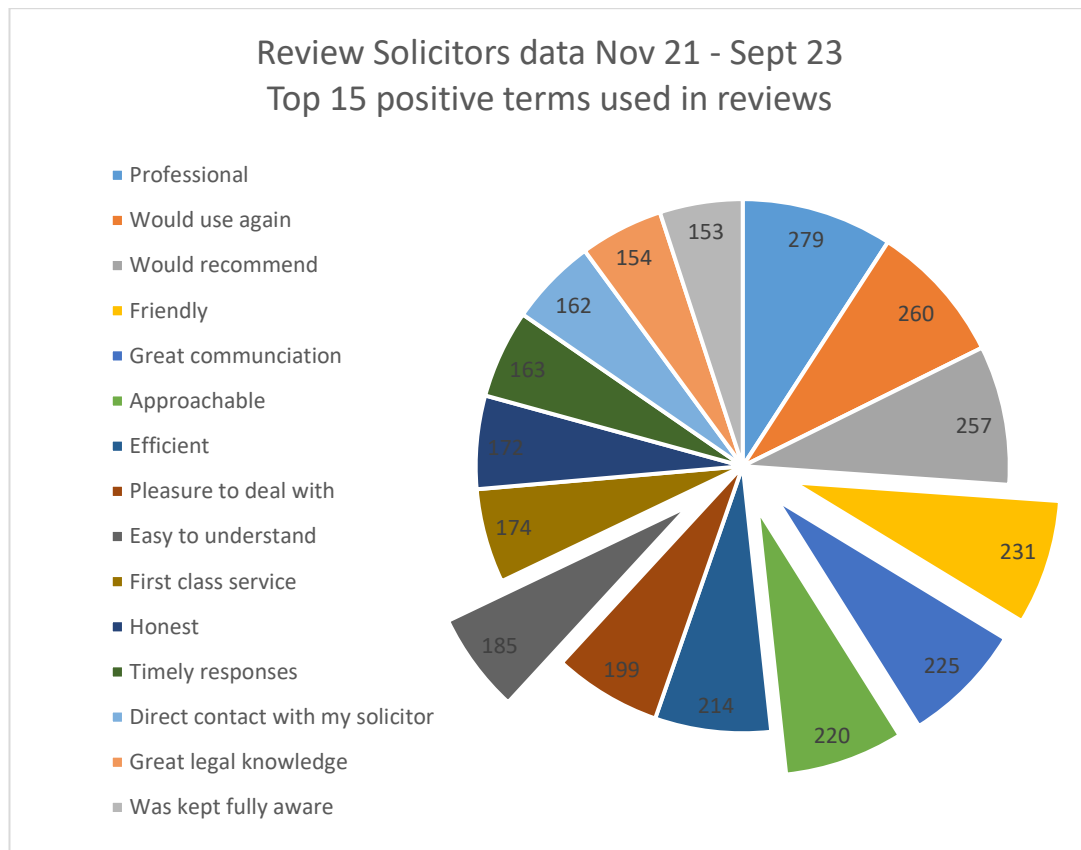


Figure 14 Pepperells Review Solicitors data, most commonly used terms.

In addition, the helpfulness of legal professionals in demystifying legal problems and processes is something that has also cropped up regularly in our written reviews:

- *“My conveyancer John was excellent throughout the process, always made himself available to answer questions. If you called him, you would always get a response within a day. Our home move was not the easiest and John always spoke in a calm, understanding, yet straightforward way.”* (Review Solicitors)
- *“Always updated us, nothing was a trouble. Explained things so that we could understand easily.”* (Review Solicitors)
- *“I imagine the actual task I needed assistance with was inconsequential in comparison to their other work as our appointment was less than 30 minutes in total, but I was given advice, knowledge and support in preparation to ensure I understood the process fully and my documents were correct ahead of the appointment.”* (Review Solicitors)

- *“He responded to questions and queries quickly and explained the legal terms in plain language.” (Review Solicitors)*
- *“Natasha was friendly and approachable and was happy to answer our questions and go over things at any point we needed to clarify. Natasha was easy to contact and her email responses were clear and easy to understand, no legal jargon.” (Review Solicitors)*
- *“We were guided through the whole process of writing a mirrored will, with appointments to suit us.” (Review Solicitors)*
- *“He was kind, patient and explained things fully.” (Yell)*
- *“Everybody we've come into contact with has been friendly, polite, and has explained everything (meanings and processes) really clearly.” (Facebook)*
- *“Shuhel was our solicitor and he was great at explaining everything and answering my many questions.” (Facebook)*
- *“Ryan kept in constant communication throughout the process, explaining the stages as we went along. All the information we received was clear and precise and easy to understand.” (Facebook)*
- *“I was a nervous wreck before I started my divorce process. The moment Blue came on the phone he made me feel at ease. He went through everything with me and explained what should happen in detail and a rough estimation of time. He has answered every question I've had promptly, even updating me out of office hours which for me meant so much.” (Google)*
- *“John was always quick to respond via emails and kept me and my partner at ease throughout the whole process, he explained everything thoroughly and always kept us updated when required over a period of 15 weeks.” (Google)*

Data from our Pepperells after-sales questionnaire also highlights our strength in delivering a service which helps our clients navigate often difficult situations more easily, through improved communications and understanding. This chart clearly shows that our success rate on this aspect of customer service has been elevated during the time period of our transformation project:

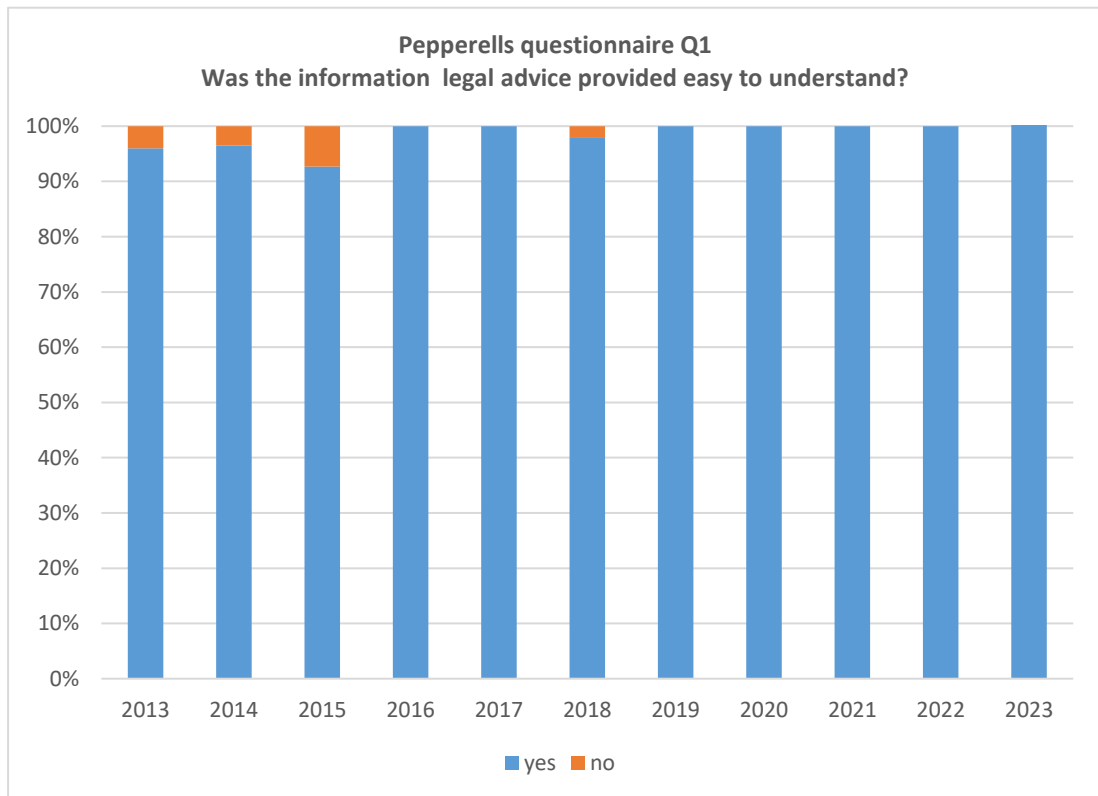


Figure 15 Pepperells customer questionnaire, ease of understanding.

In addition, our after-sales questionnaire not only confirms what we know generally speaking – that reputation and recommendations are strong drivers for customers buying legal services – but that approachability and word of mouth are increasingly likely to be reasons to choose Pepperells, suggesting that we have improved both our ability to deliver the right first impression, and that our customer service is such that we are increasing business through recommendation and referral:



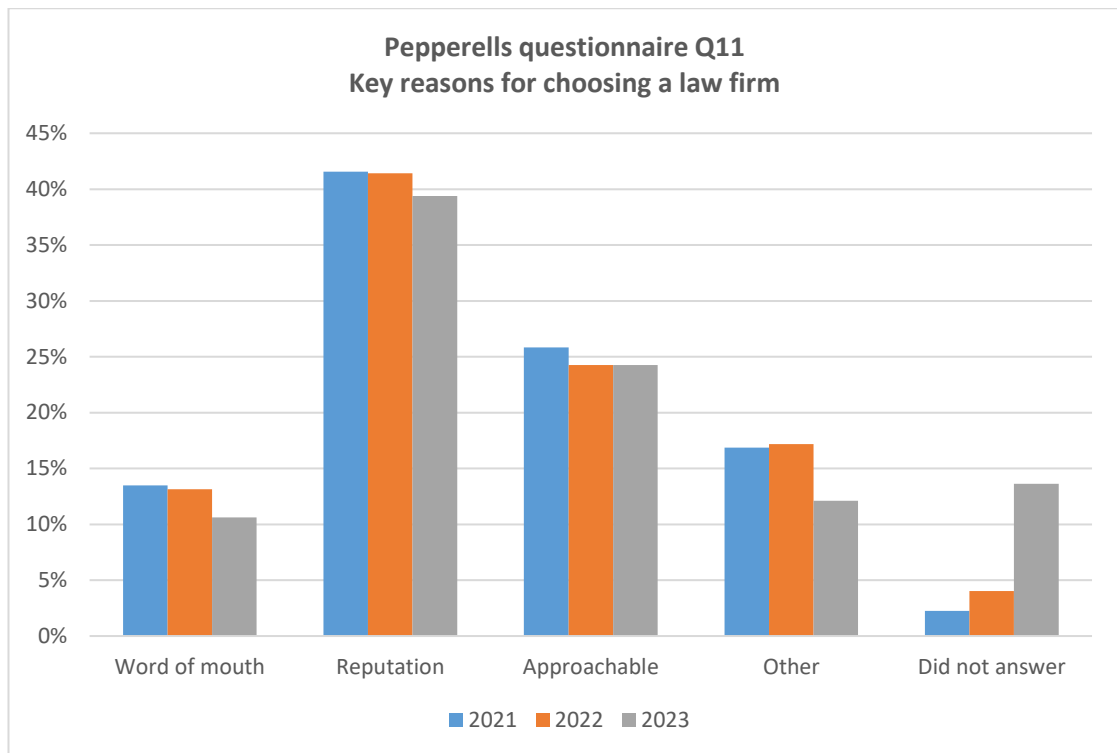


Figure 16 Pepperells customer questionnaire, key reasons for choosing a law firm.

### Internal stakeholder experiences

One of the key aspects of Pepperells’ transformation to greater customer-centricity has been to bring all our staff with us on the journey – including the existing Teams Pepps employees, new staff who have joined through our acquisitions of other firms, and new staff whom we’ve recruited over the past ten years.

Creating a work culture which equips and enables our staff to put the customer first has been critical, which of course is underpinned by a psychologically safe environment in which our people are able to fulfil aspects such as their wellbeing and happiness, work-life balance, work satisfaction and career progression.

We have been conducting employee engagement surveys at intervals over the past year or so, to measure how successful we are being in creating the right culture to facilitate our objectives, and pinpoint areas which require greater focus and improvement. Of course, the very fact that we engage with staff in this way, and invite their feedback, is in itself an important part of getting the culture right.

Although we do not have pre-transformation data of the same kind, to track the impact of our culture shift on the staff themselves, and therefore measure the success of our change management programme, I feel that the latest survey results do at least go to show that we are getting it right in terms of enabling staff to bring their true selves to work, feel supported

and equipped to fulfil their roles, do their best work, and ultimately deliver the level of customer service that is demanded by today's clientele.

On the whole, the data from our July 2023 staff engagement survey shows that we have successfully created a workplace in which staff feel supported and listened to, where they can do fulfilling work yet maintain a work-life balance, and where everyone is on board with Pepperells' vision and values:

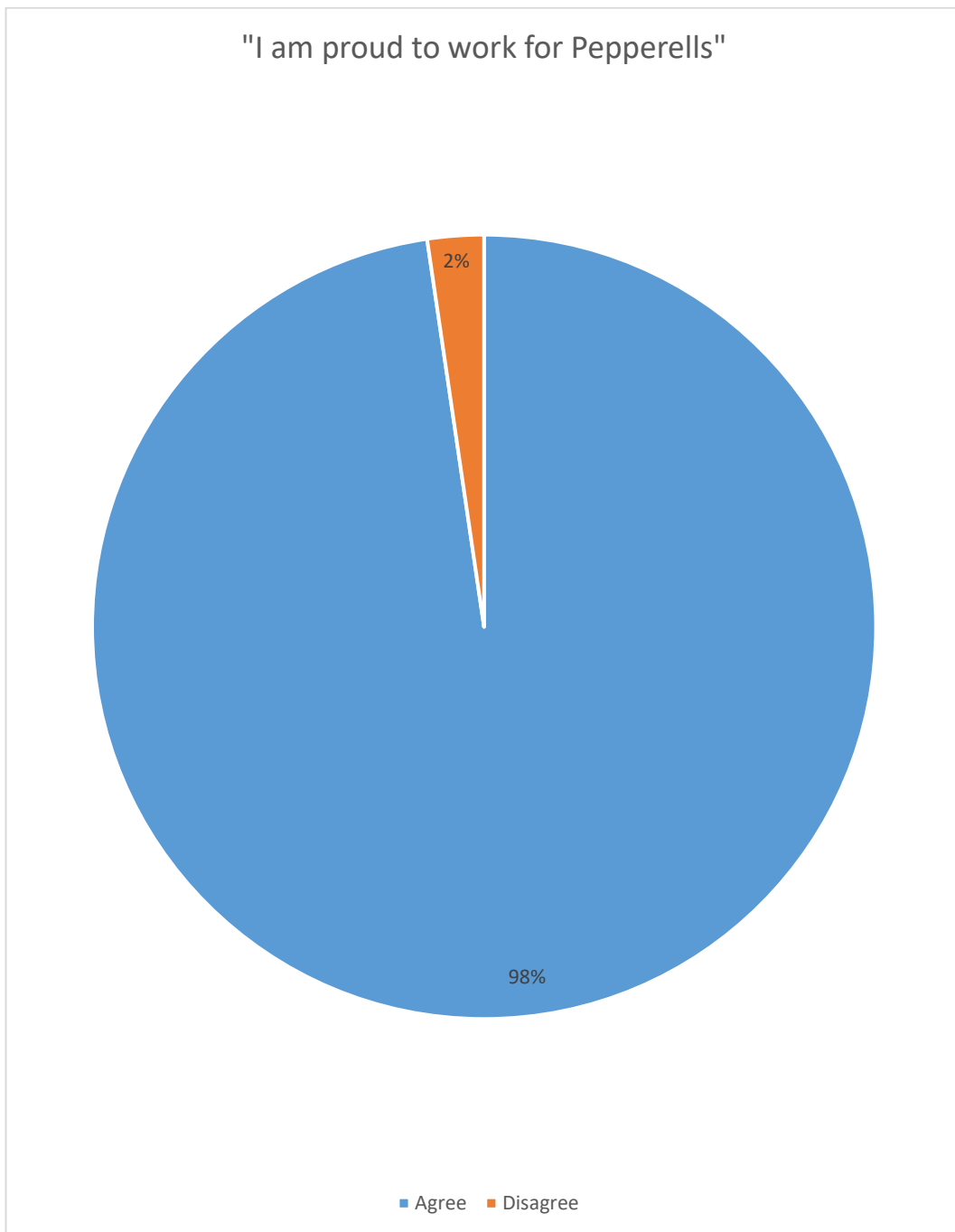


Figure 17 Staff survey – I am proud to work for Pepperells.

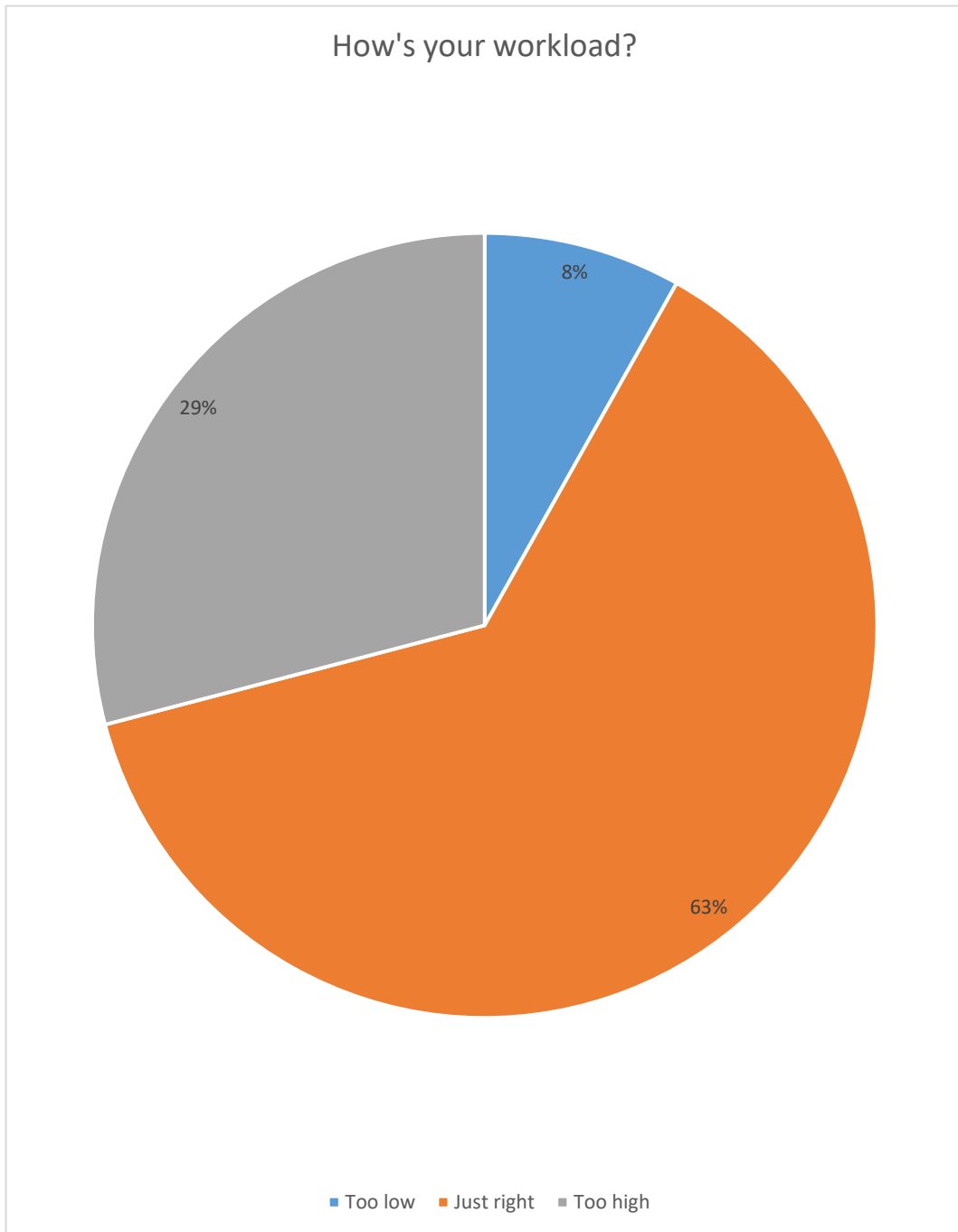


Figure 18 Staff survey – How's your workload?

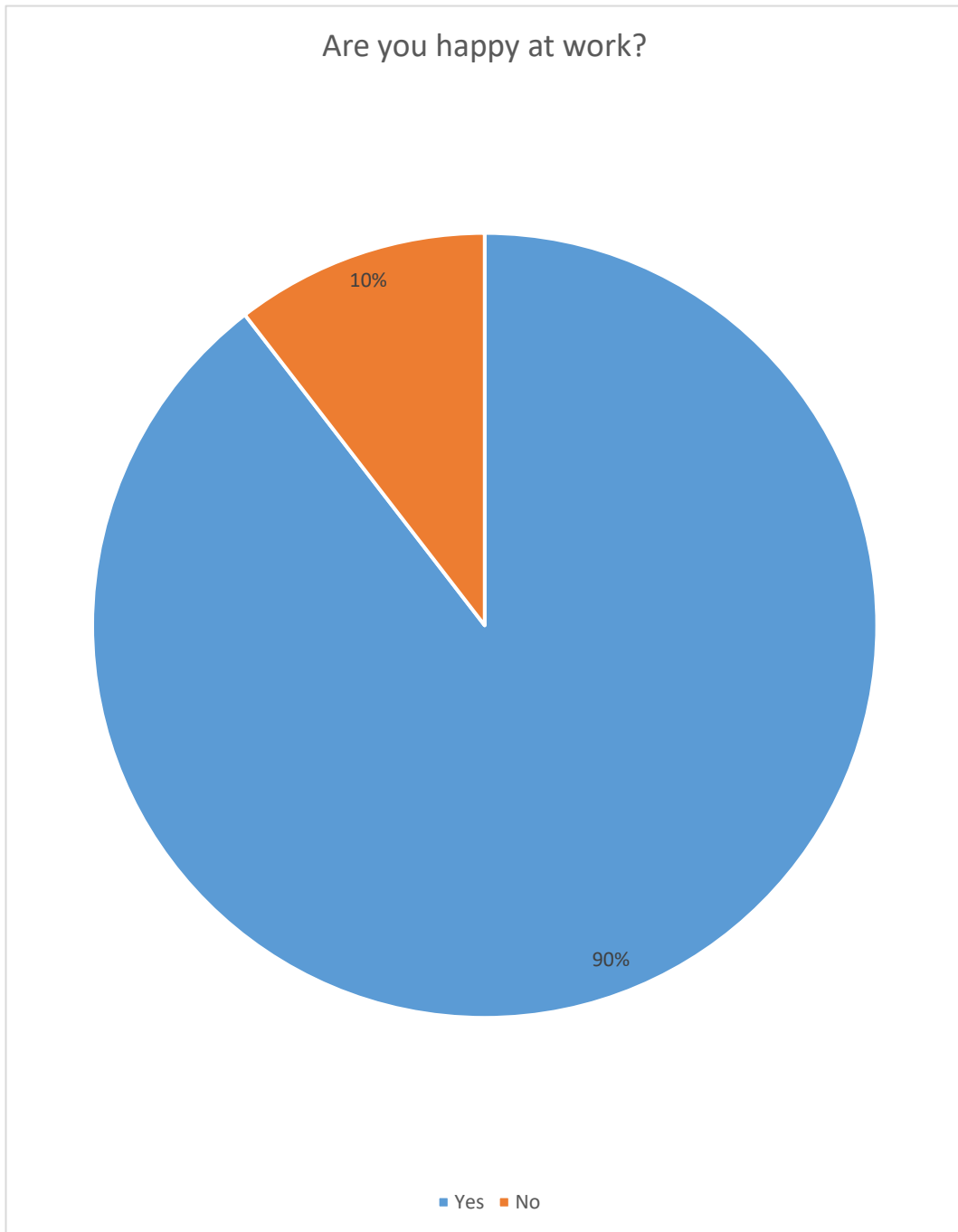


Figure 19 Staff survey – Are you happy at work?

How would you rate your work-life balance?  
(1 low, 5 high)

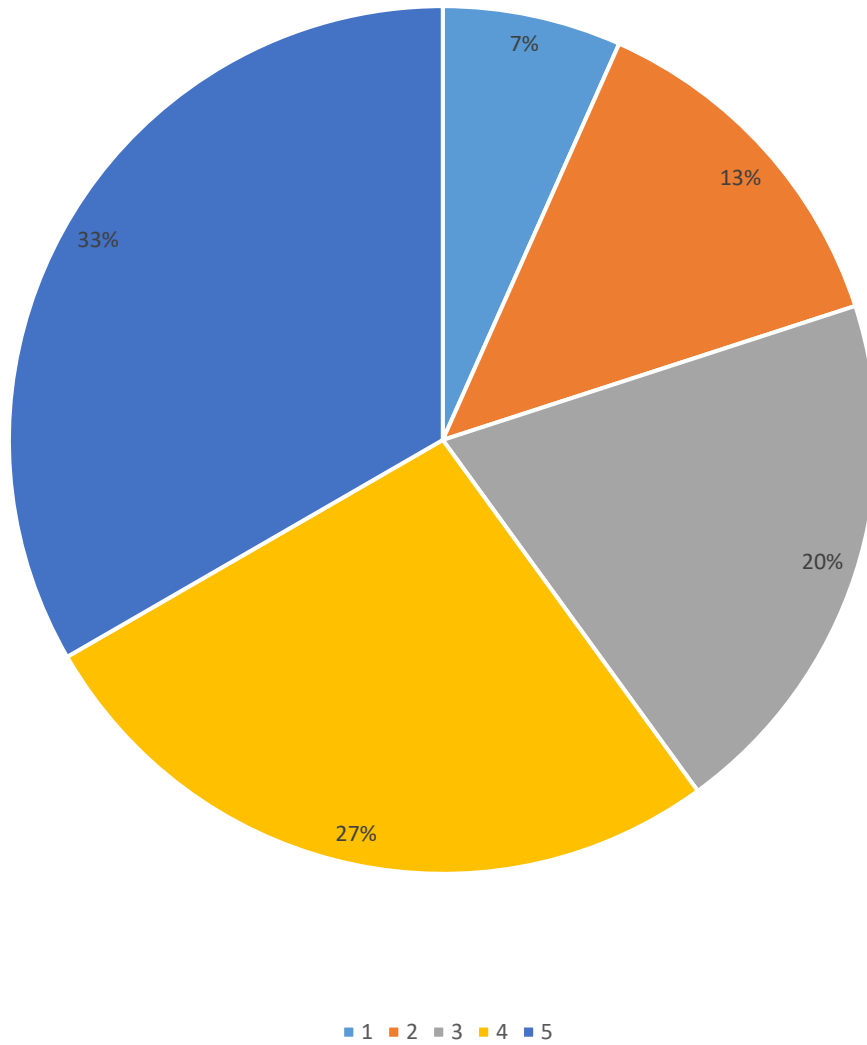


Figure 20 Staff survey – How would you rate your work-life balance?

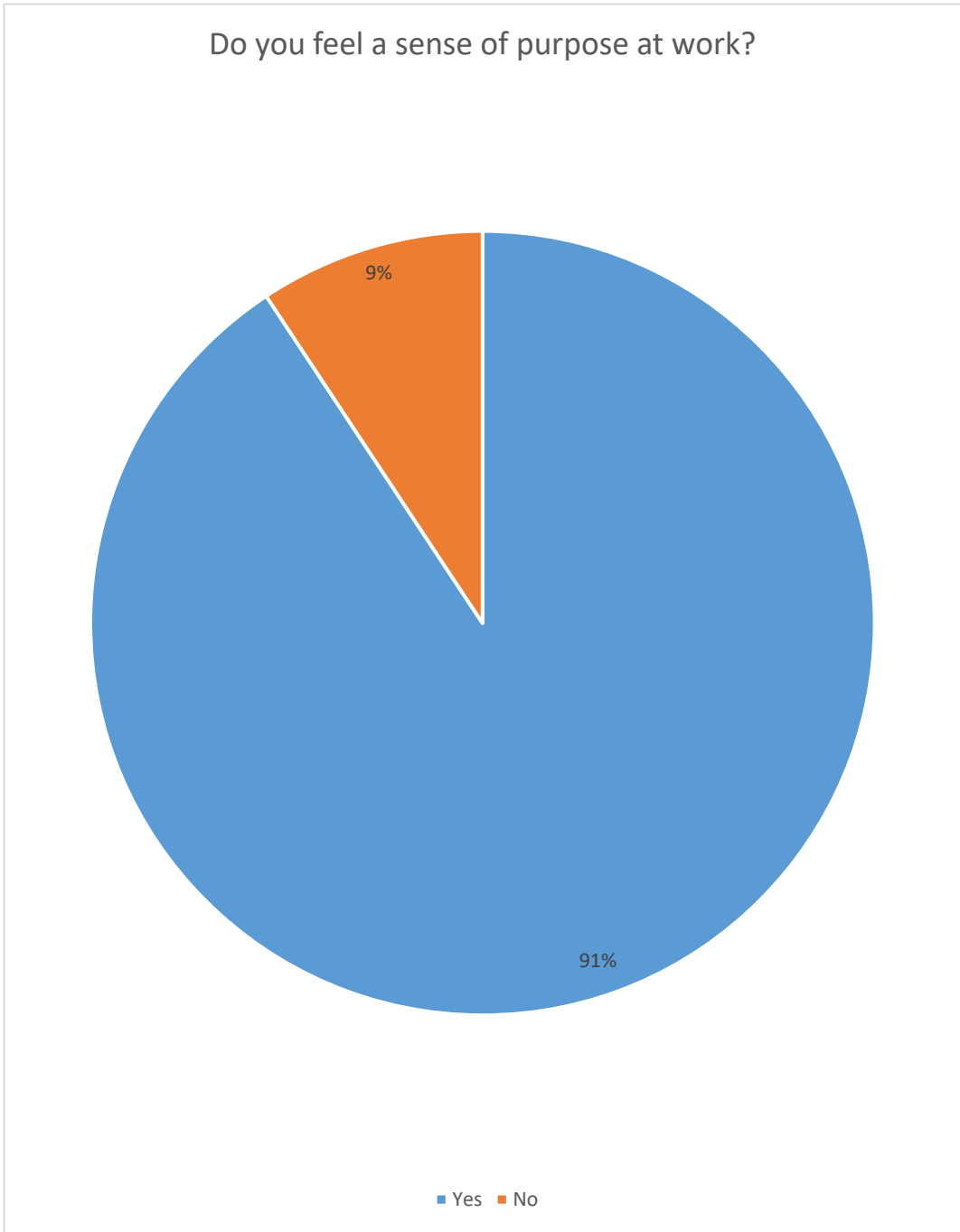


Figure 21 Staff survey – Do you feel a sense of purpose at work?

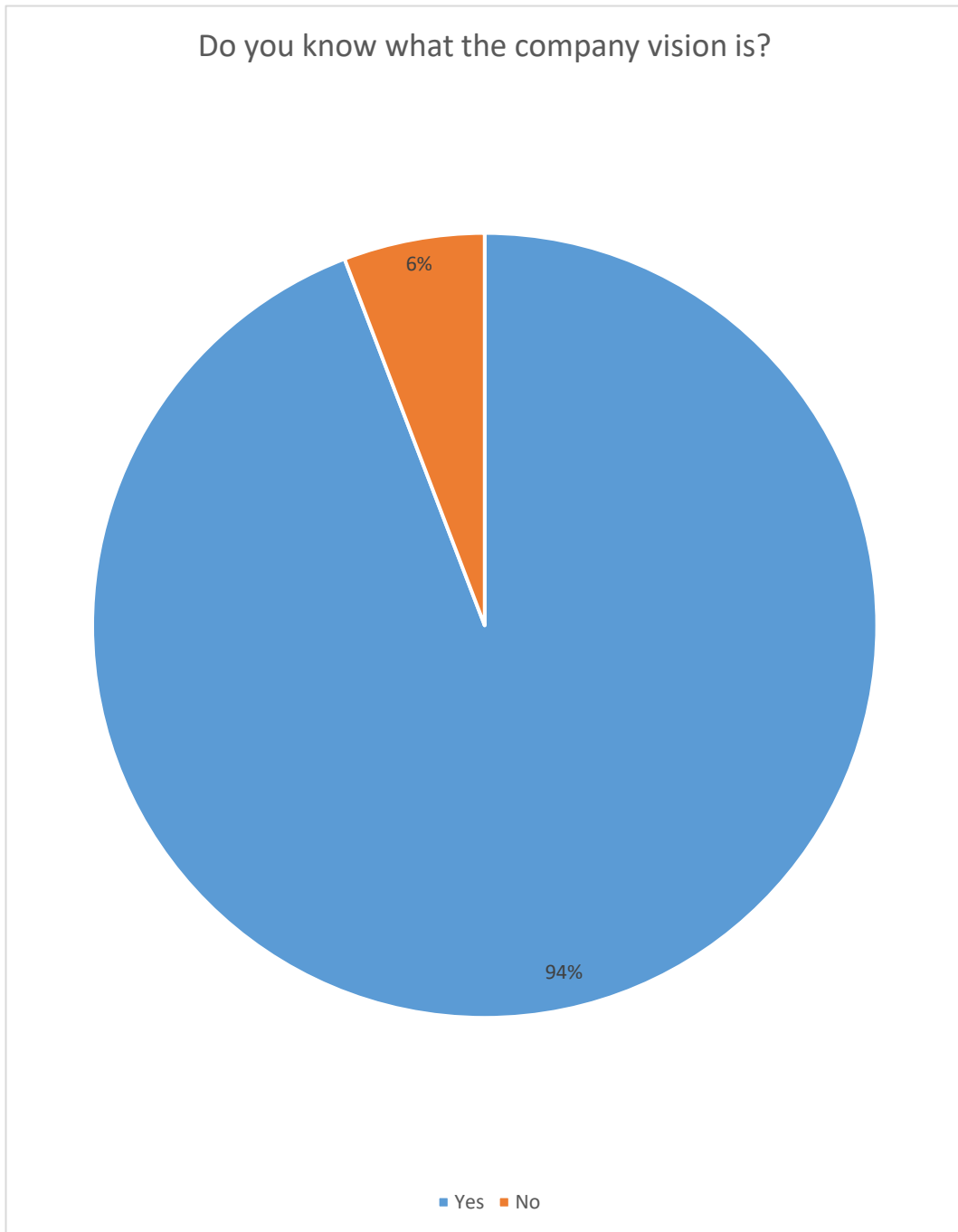


Figure 22 Staff survey – Do you know what the company vision is?

"I feel I can express myself  
at work without being judged"

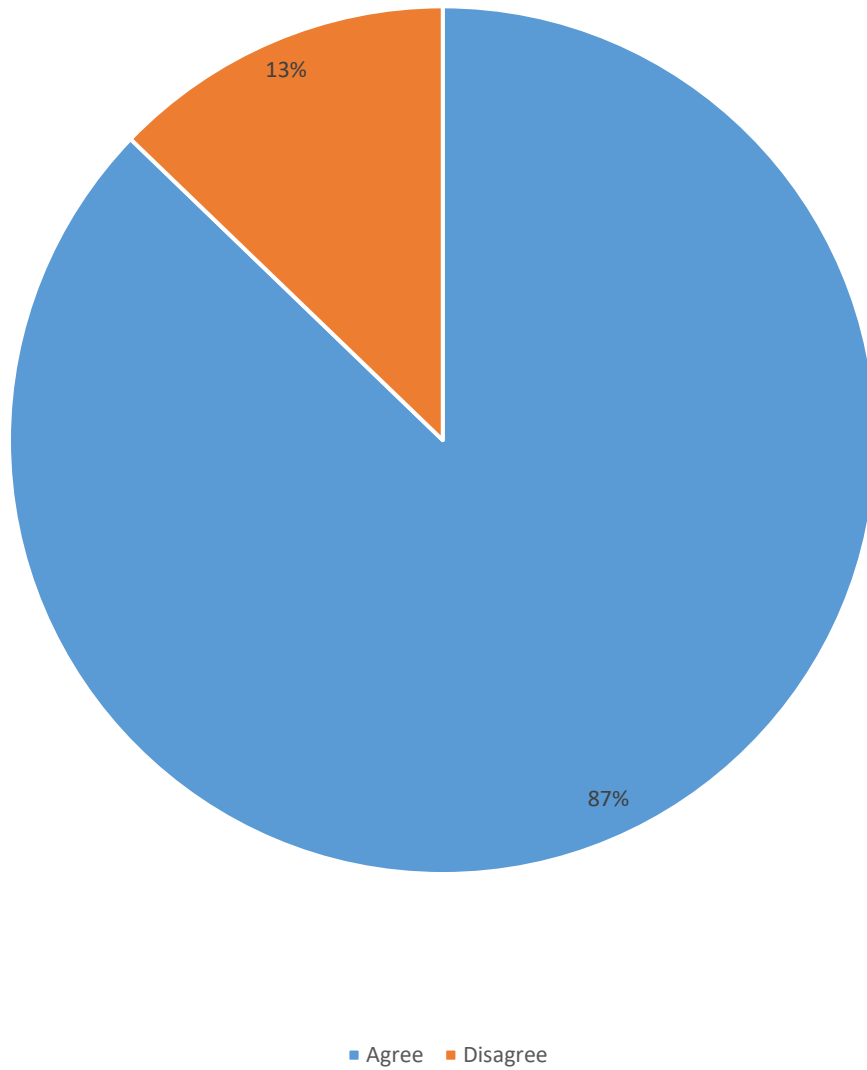


Figure 23 Staff survey – I feel I can express myself at work without being judged.



"I'm excited about where the company and my career are heading"

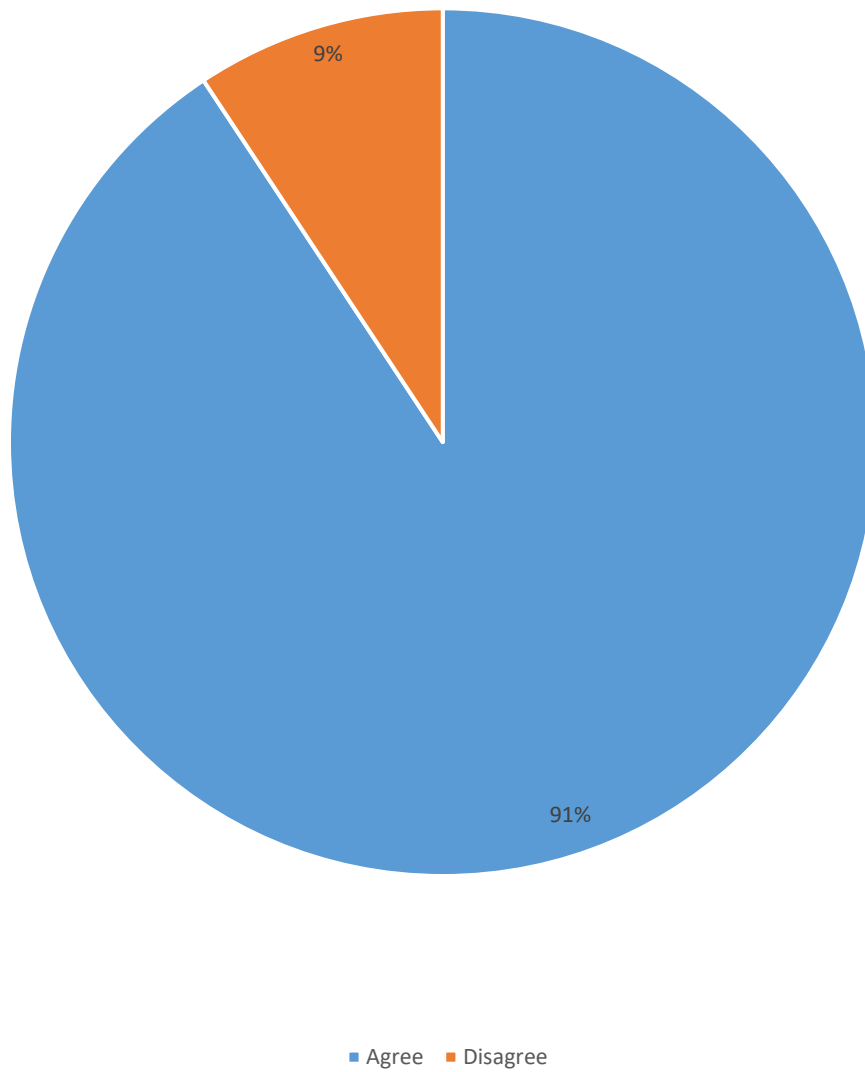


Figure 24 Staff survey – I'm excited about where the company and my career are heading.

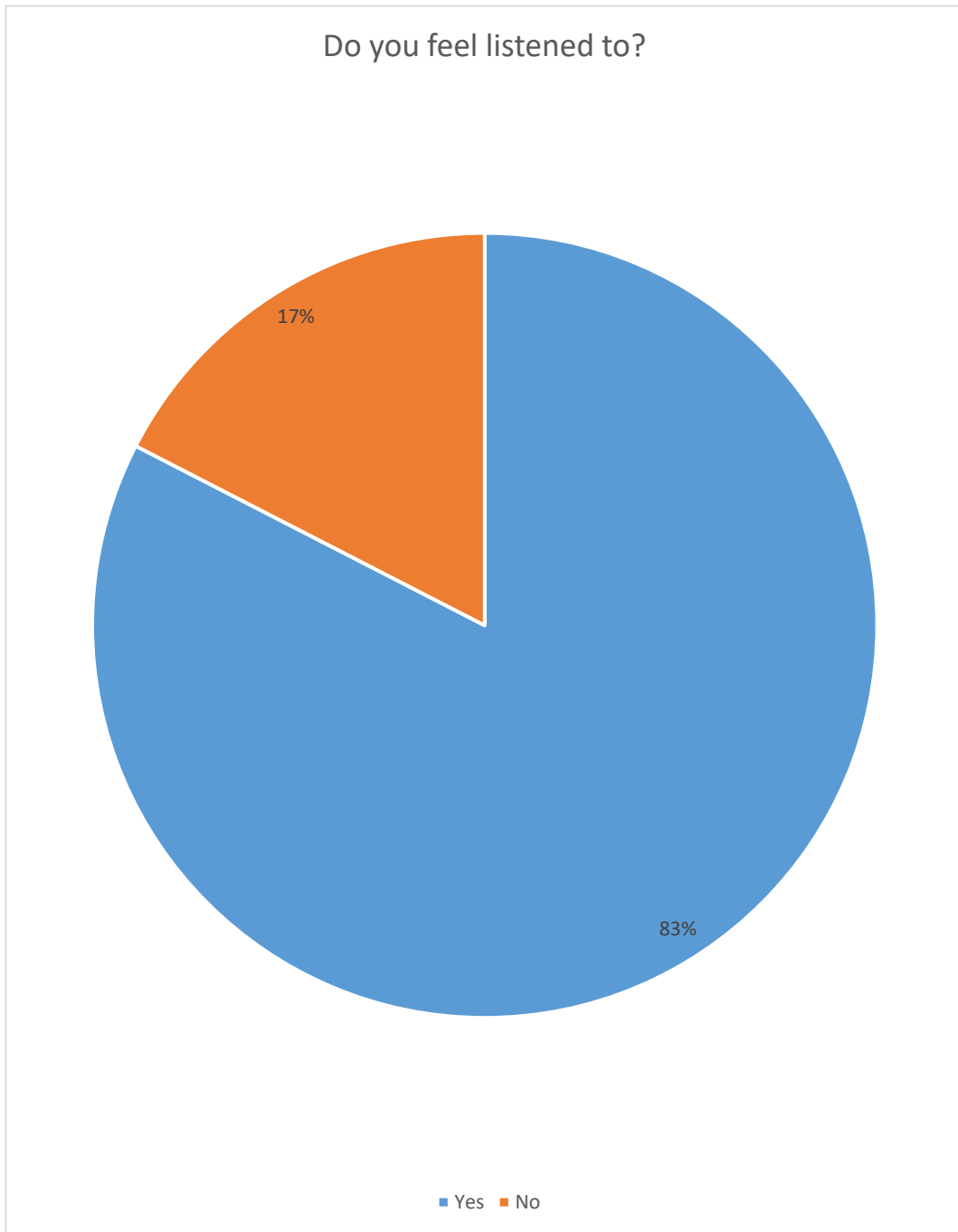


Figure 25 Staff survey – Do you feel listened to?

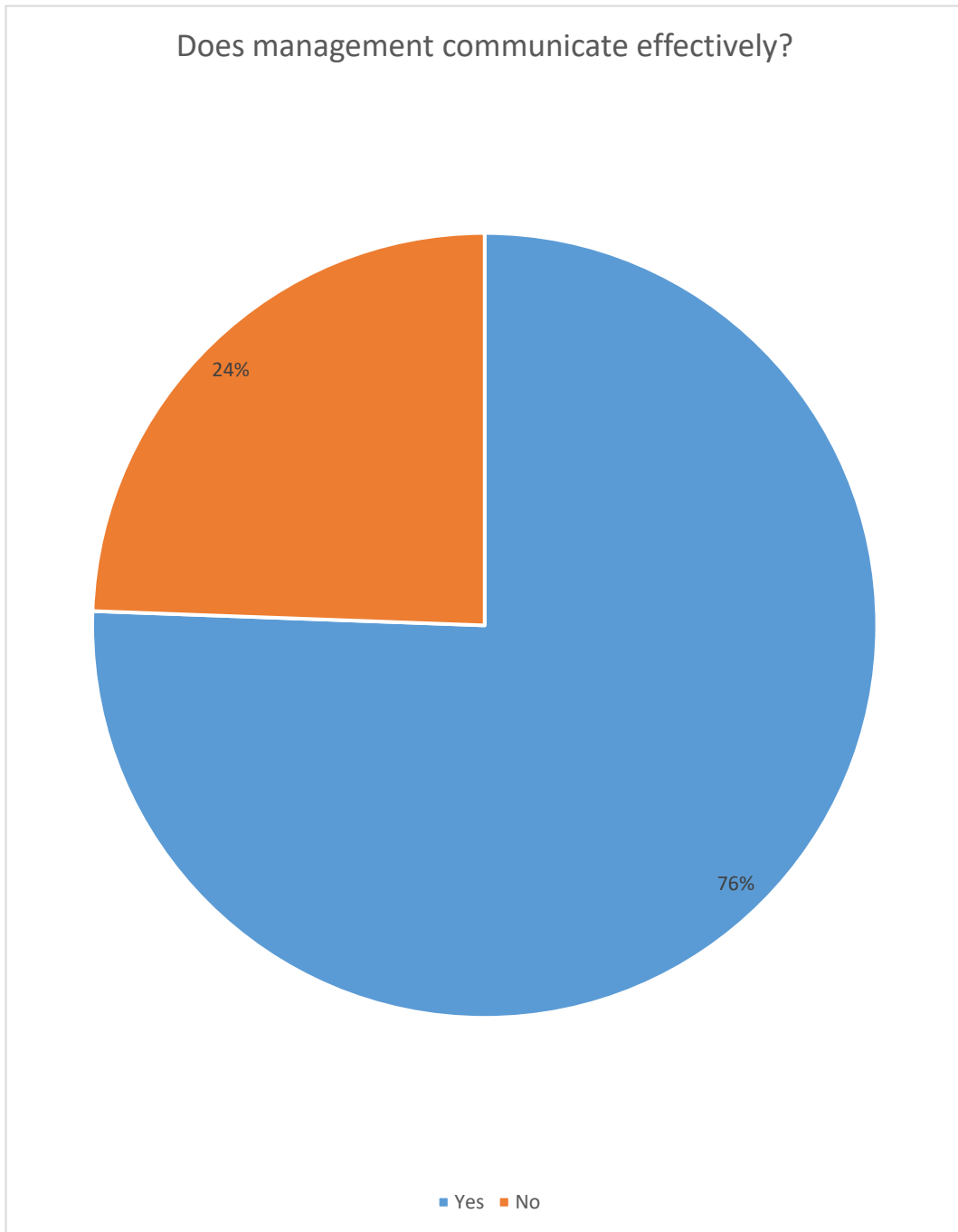


Figure 26 Staff survey – Does management communicate effectively?

Does your business unit have effective leadership?

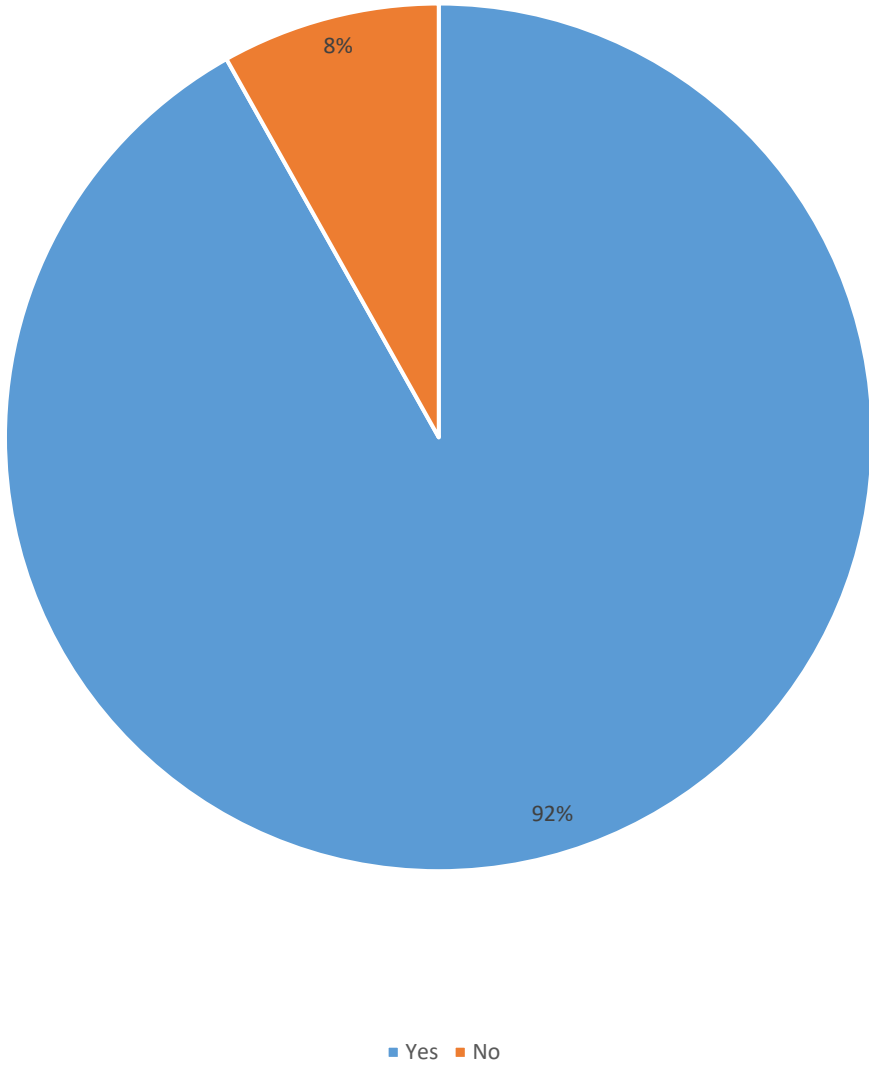


Figure 27 Staff survey – Does your business unit have effective leadership?

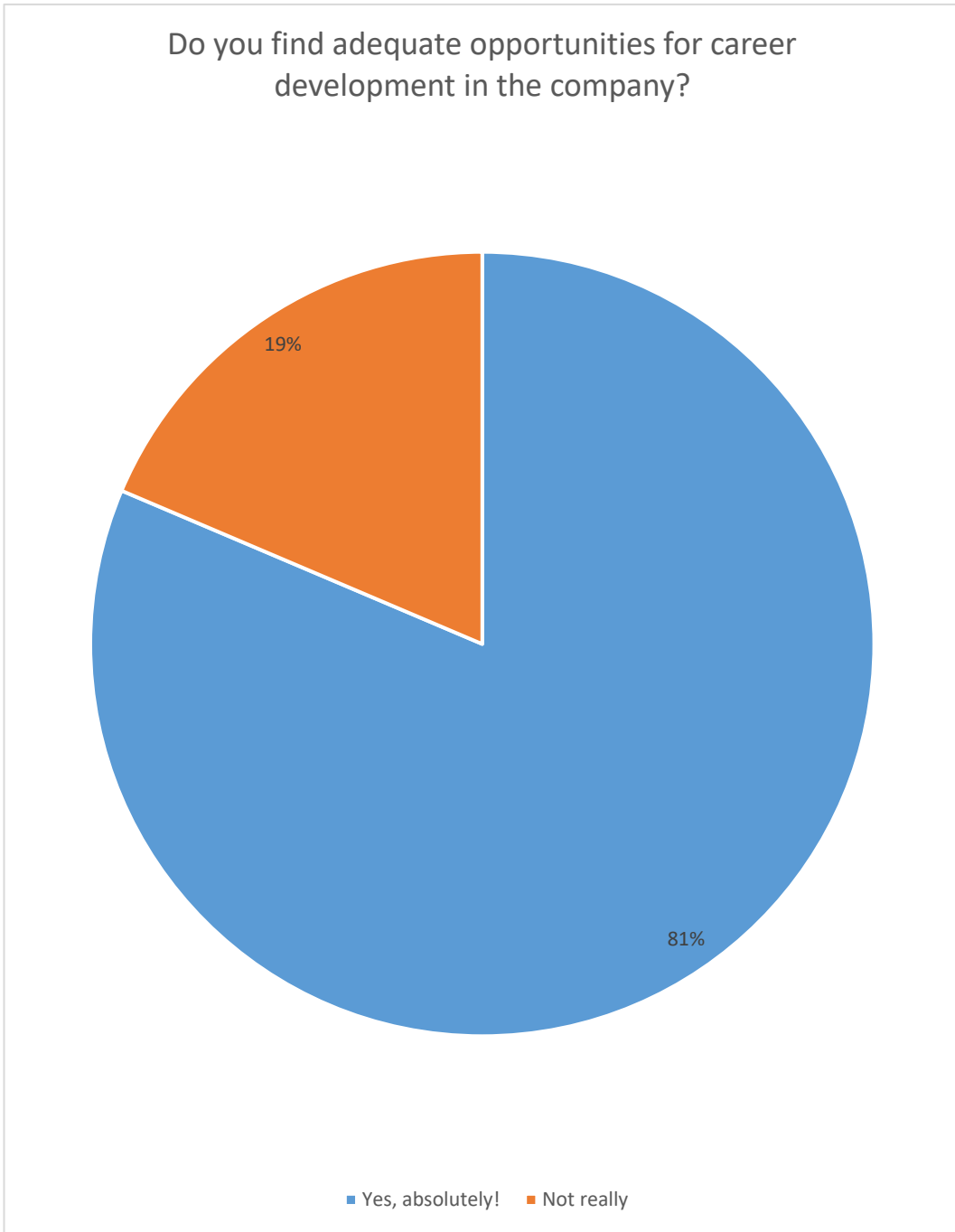


Figure 28 Staff survey – Do you find adequate opportunities for career development in the company?

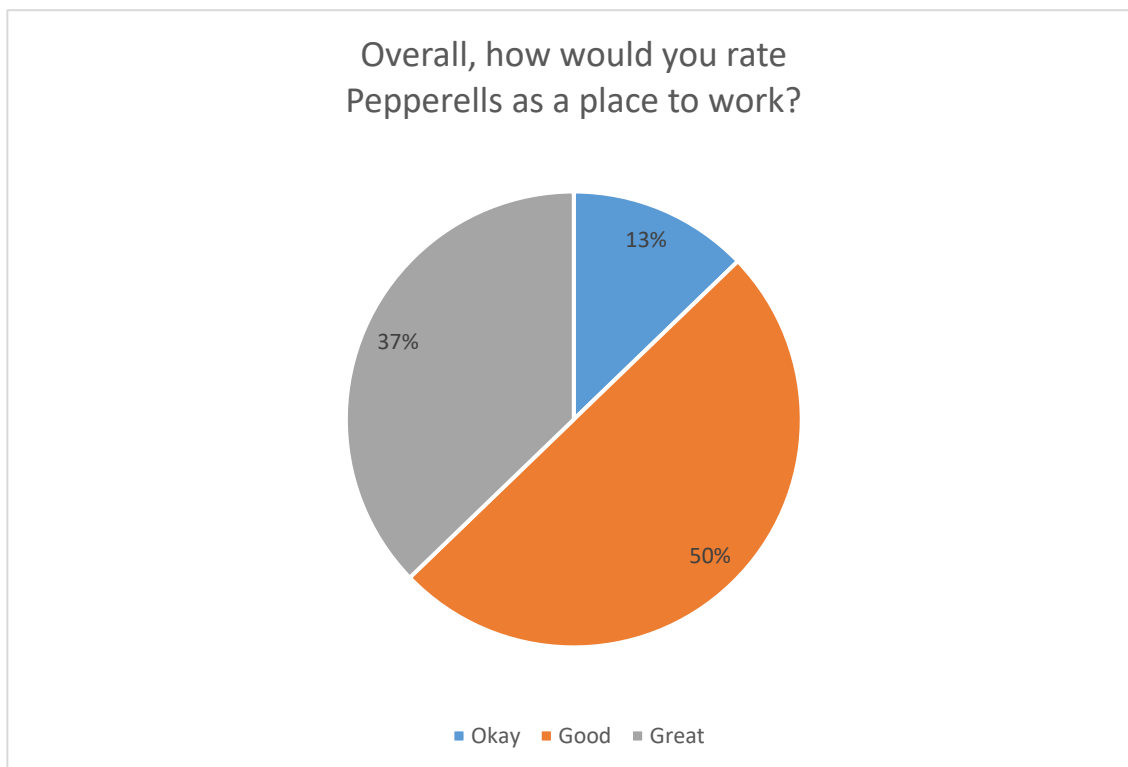


Figure 29 Staff survey – Overall, how would you rate Pepperells as a place to work?

Ultimately, I think Pepperells’ performance as an employer stacks up well against broader industry statistics. For example, the April 2023 survey by The Law Society found that only 43% of solicitors in SMEs feel well-informed about organisational change, and 56% feel supported by their manager, whereas our effective communication statistics sit at almost 76%, while related (if not directly comparable) statistics including feeling listened to (83%), and effective business unit leadership (92%), suggest that we are ahead of the curve for our sector.

## Summaries

### Customer expectation

There is certainly a general opinion within the legal profession that customer expectations have risen in recent times, and that law firms must not rest on their laurels if they wish to remain in good commercial health – the old assumption that a family will continue to use the same firm for every legal services requirement throughout their lives, indeed throughout the generations, is outdated and will rarely apply.

Many of the legal professionals I interviewed commented on the fact that the customer’s lack of understanding of the law, and what taking legal advice can deliver, was a significant challenge to be overcome on a daily basis. Not only does it mean they’re making legal services buying decisions without a foundation of knowledge which enables them to use more than just heuristics (recommendations, brand familiarity, initial contact experience) to choose their

lawyer, but they often arrive with misconceptions about their position (which can be difficult to persuade them out of, if they have seen ‘facts’ in the media or been given poor advice by inexperienced advisers), and with unreasonable expectations in terms of speed, cost, and outcome. Misconceptions about lawyers, and about what can be achieved in terms of outcomes, are common.

Of course, the only way to smooth the way for the customer experience, and manage expectations so that they are realistic – and ensure client behaviour and choices support rather than hamper their desired outcome – is for firms to become more customer centric. Numerous legal professionals cited examples of this shift in attitude within the profession, and agree that it’s now part of the job to lead their clients through the process, explaining and demystifying at every turn, although there is clearly still some frustration at customer attitudes when they are less than reasonable. Several participants touched on how law firm culture needs to shift in order to support staff in this new customer-centric approach, with attention paid to lowering stress levels, creating psychological safety, and empowering employees to do what they feel is right for the customer’s needs.

#### **Law firms’ ability to deliver**

With little power to influence the context of the legal system’s challenges, as least in any meaningful or speedy way, law firms can only control the controllables, and take steps within their own businesses to deliver upon today’s customers’ rising expectations.

There was a lot of agreement within industry professionals that the partnership model is now rather outdated, and a business-like structure offers significant benefits – not least the ability to operate more efficiently, make business decisions more nimbly and therefore be more nimble and resilient, benefitting from a more balanced approach led by business specialists, for better financial performance.

I also discovered that despite the industry having a reputation for lagging behind on technology, the majority of legal sector insiders are already on board with bringing tech use up to date, particularly when it comes to using discrete tools that have a significant impact on specific elements of operations – whether dictation software, digital case management, or CRM databases.

Indeed, the ability to interrogate and analyse data, and operate in this more efficient, digital working environment has become a significant factor in recruitment, which always used to focus upon knowledge of the law.

Technology skills have also become an important requirement for those entering the legal sector. However, it must be noted that while tech has been mooted as a solution to more affordable access to legal services, when it comes to the business of the majority of law firms serving the majority of business and private clients, the use of technology can actually have the opposite effect, as it can only be paid for by passing the cost onto the customer.

Many participants noted how the picture around client retention has changed; it's still about building long-term relationships, though a more proactive approach – involving regular contact, conversations about price and service, perks such as hospitality invitations, and additional touchpoints such as the sending of birthday cards – is what is needed to ensure that customer loyalty is given the best possible chance. After all, customer retention is the only basis for sustainable growth.

The importance of creating value propositions that suit the target audiences (and the importance of tailoring both the marketing and the service delivery also) was very clear amongst my interviewees, particularly those on the business side, understandably.

There was also a consensus that relationship building, in order to track and fulfil an individual's need for legal services over time, was critical to sustainable growth. One aspect particularly cited as a factor in this long-term relationship-building was the importance of positioning the firm as a helpful expert, and also of supporting local community events and charities, to not only maintain brand awareness locally, but demonstrate the firm's values and ability to act on them (not simply pay them lip service). Another important aspect that cropped up was pricing, especially in relation to transparency and value – being so central to the notion of a value proposition, and a key concern for many potential clients.

Advocates of this customer-centric approach universally agreed that the foundation had to be a staff not just aware of the importance of being customer-needs-led in their work, but equipped and comfortable enough to do so. This must be underpinned by a culture that prioritises wellbeing, communication within and across teams, psychological safety, employee L&D and career progression, and of course a leadership that values the input of all, and works to free their people up to do their best work. This of course leads to improved staff retention, and attracting the best new talent, resulting in a more sustainable future for the firm.

The case study of my firm's transformation over the past decade, backs up the qualitative data from the industry insider interviews with quantitative and qualitative data that demonstrates the success of this transformational strategy.



We have achieved a significantly more efficient, financially healthy, growth-orientated business by reducing the gap between the offering/service and contemporary customer expectations; delivering the most efficient and effective services in the context of a challenging, complex, underfunded legal system; and aligning business practice with the latest thinking when it comes to people, technology and customer service. The financial data, along with figures relating to the size of the business, and the qualitative data from customer experience feedback, all point towards improved service delivery and sustainable growth.

## Conclusion and Recommendations

Within this thesis I have identified and investigated the disconnect between contemporary client expectations and law firms' current ability to deliver on those expectations, in the context of a chronically underfunded justice system.

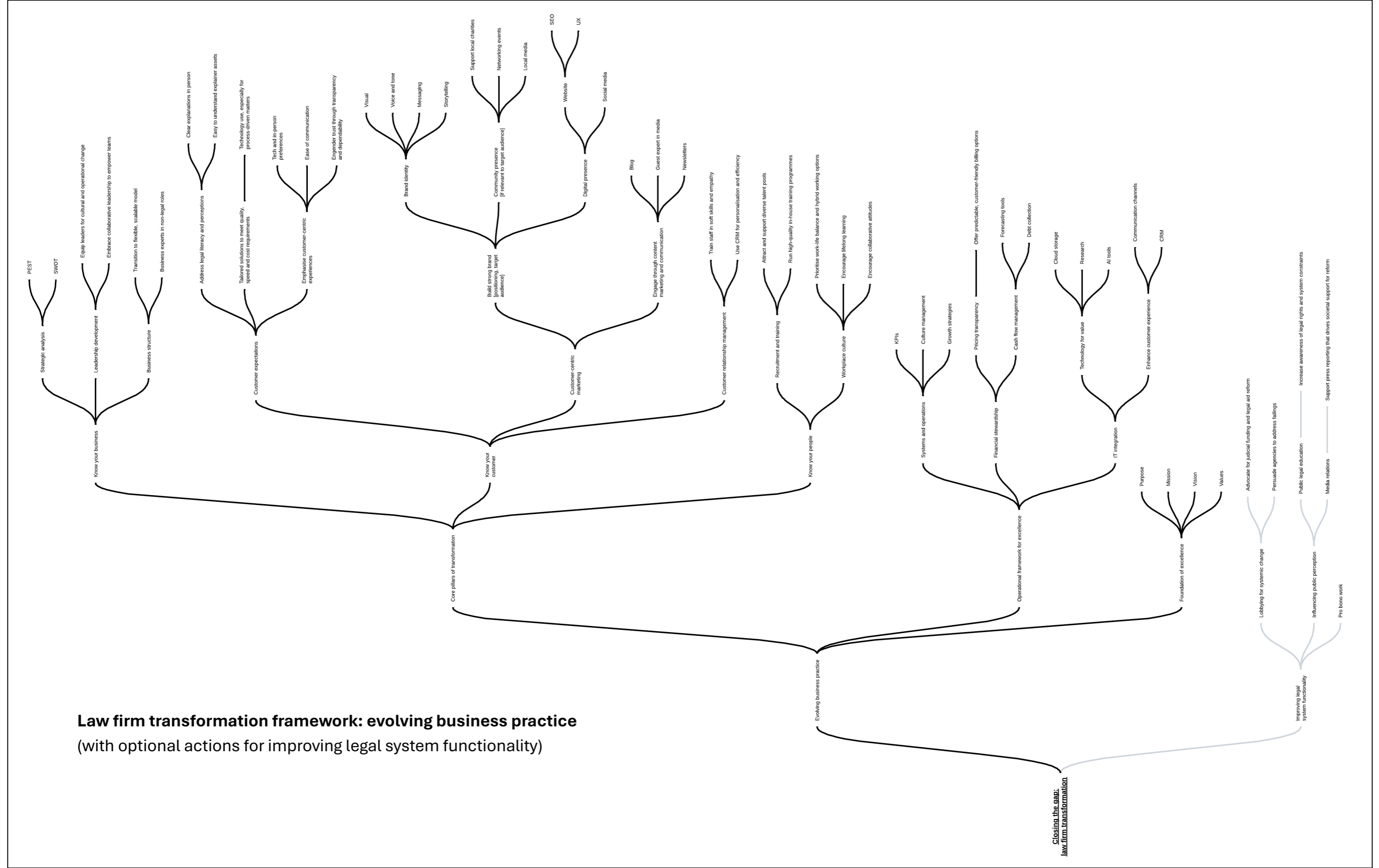
This conclusion takes the form of a framework of best practice, covering strategies to close the gap, so law firms are able to not just survive, but thrive, despite the significant challenges to client experience. Our industry has so far proven unable to influence government into funding a justice system of the calibre we had four decades ago, so we must instead evolve our business models to mitigate the challenges of an ailing system, to deliver the quality of service and access to justice that our clients want and deserve.

The framework presented here brings together the theoretical contributions of this research into a cohesive, visually represented model. It aligns the dimensions discussed – such as the temporal dimension, communication, and client-centric business practices – into a single, actionable playbook which serves as both a summative representation of the research and a practical guide for law firm leaders seeking transformative change.

### **The framework: driving change through people, processes and technology**

Law firms can and must evolve to survive, prioritising flexibility, efficiency and customer-centric strategies; indeed with the right mix of actions this baseline objective of 'survive' can be upgraded to 'thrive'. The following framework has been designed to provide the jumping-off point for all the discrete pieces of work involved in a successful business transformation – which are best tackled using an action research approach (Cohen et al, 2007) – the simplification of the overall direction of travel is necessary in order to get to grips with the bigger picture; delegation of specific systems and operational departments is the only way to successfully effect change at the scale, speed and quality required. Using this roadmap for change, law firm leaders can lead; all their people pull in the same direction as a result, so law firms can bridge the gap between client expectations and systemic limitations.

Figure 30: Law firm transformation framework



## Framework outline

This conceptual framework encapsulates the findings of this research and provides a roadmap for actionable change within the legal sector. This blueprint for success fulfils a variety of business objectives including better efficiency, better resilience, better growth and better profitability, through delivering the level of service that our customers want and need, in the context of a chronically underfunded justice system. It enables law firm leaders to focus on key areas of improvement while maintaining an overarching strategy that integrates internal operations with client needs. The framework is organised into four key strands:

### Foundation of excellence

These elements establish the overarching direction for the firm and serve as guiding principles for every aspect of the business transformation:

- **Purpose:** Define the firm's 'why' (its core reason for existence), focusing on delivering access to justice and exceptional client service in the context of a challenging legal environment with a customer base that is largely unaware of what constitutes value in legal services. This must be authentic, customer-centric and infused throughout the business.
- **Mission:** Articulate the scope of the firm's services, its core objectives and the strategies for achieving them. The mission should be concise and actionable, serving as a blueprint for success; this messaging is important for both customers and staff to grasp what the company is there to do.
- **Vision:** Set a long-term goal for what the firm aspires to achieve, acting as a motivational endpoint for employees and leadership alike. The vision must be ambitious yet grounded in the firm's purpose.
- **Values:** Outline the core principles and ethics that shape the firm's daily operations and decision-making. These values foster a cohesive culture and guide behaviour across all levels of the organisation.

### Core pillars of transformation

The second strand of the framework is comprised of three foundational pillars that are the engine that drives the change required to transform:

Know your business

Knowing where you want to go, and how to get there, starts with an in-depth awareness of the status quo. Some of the earliest transformation considerations and actions include:

- **Strategic analysis:** Perform a detailed SWOT and PEST analysis to understand the firm's strengths, weaknesses, opportunities and threats, as well as complex context in which the firm must operate (factoring in political, economic, social and technological influences), creating a foundation for strategic planning.
- **Leadership development:** Shift leaders from fee-earning roles to strategic oversight, enabling them to lead change initiatives effectively. It's critically important to empower them with the tools, training and time they need to step away from matters of law and focus on business transformation.
- **Business structure:** Transition from traditional partnership models to more agile, business-like structure; this facilitates specialisation, scalability and operational efficiency. A business coach is a wise investment.

Know your customer

Placing the customer at the centre of the strategy is so effective it has become a consistent feature of successful 21st century business transformation. It's imperative for the firm to remain relevant, competitive and trusted in an ever-changing market, and the only way to ensure that is to understand the customer, see the firm through their eyes, and adjust the offer accordingly. The three critical considerations of this approach are:

- **Customer expectations:** Keep track of (and fulfil) clients' evolving needs and expectations, particularly around speed, transparency and empathy in service delivery. Key considerations include:
  - There must be a genuine culture of being fully customer-centric. Staff should be empowered to fulfil their customers' wants and needs, through the right policies and processes. Leadership sets the tone, here.
  - Communication expectations should be clearly explained to the customer from the start, including frequency and timing.
  - Customers should be given well-explained choices regarding communication method, the use of digital tools, meeting format and location, charging structure and payment method.
  - It can be worth considering whether to offer customers a choice in the level of service. For example, a divorce client might opt to do the administrative part themselves and only pay for legal advice, rather than paying for someone to fill in the D8 on their behalf. Of course,

there are risks with this sort of approach, since all the risk is on the lawyer even when some elements of the activity are being performed by an untrained individual. If this is an approach your firm takes, it's imperative that a considered judgement should be taken with regard to the client's ability to understand and undertake the tasks in question. Another option would be to charge differently according to the ability of the lawyer – it's already common to charge based on experience and seniority, but it might also be worth charging according to customer review performance.

- **Customer-centric marketing:** Position the firm as a trusted expert through branding, digital marketing and plain-English communication, building trust through transparency and accessibility. Key aspects of this approach include:
  - A strong brand and excellent awareness generation is key; legal services purchases are often unplanned, and happen in times of crisis, so the aim is to be familiar enough with your target market to be front of mind when needed. Trust plus consistency leads to opportunities when they arise.
  - Credible online presence is a must. Your website and social media channels must deliver core messaging, underpinning your firm's reputation and highlighting its expertise. Traffic should be driven to the website via PPC and organic search (which makes SEO a critical consideration), as well as social media (paid and organic).
  - Position the firm as a trusted, helpful expert. By demonstrably demystifying the world of legal services, you can build prospects' trust in the firm's knowledge and abilities as well as conveying an appealing attitude to customer service. This can be best achieved with elements including content marketing, a CSR programme, and PR campaigns.
  - All communications, throughout the customer journey, should be written in plain English, so the prospect/customer never feels as if they don't understand.
  - Track your customers wants and needs, and create value propositions to match. Use segmentation to clarify all target markets, and enable marketing approaches which speak to them specifically. Trying to speak to everyone results in such generic content that nobody will listen.
  - Reviews and testimonials are critical. Sustainable growth can be achieved organically when happy customers are retained and give good reviews/recommendations, which attract new customers, who, if pleased with the service, will do the same – and on it goes.
  - The entire customer journey matters. First contact is however particularly important – including the speed of answering the phone or responding to a digital communication – because this is treated as a strong indicator of customer service (before a final decision on choice of law firm).

- Cross-selling can offer opportunities to capture higher revenues while also raising the company's usefulness to the customer, which is more likely to result in loyalty and therefore repeat business.
- Diversification into services that your customers need – for example, mortgages, life insurance, or wealth management – can not only lead to significant growth, but consolidates customer relationships and promotes loyalty.
- Don't forget that your staff can be excellent ambassadors for your brand within their communities – it's surprising how much business can come from friends and family.
- Once you have a customer, keeping them is easier (and less expensive) than replacing them. Make sure you have a programme in place to keep all those on your database engaged – which might include birthday cards, customer events and hospitality, and scheduled catch-up calls – remembering that engaged customers are also a source of recommendations and referrals as well as repeat business.
- **Customer relationship management:** Foster loyalty and satisfaction by improving communication, offering flexible service options and addressing emotional needs with empathy and care.
- All communication must be customer-centric rather than law-centric; it should be clear and easy to understand, and use layman's terms instead of legal jargon.
- Lawyers should consider the level of customer education that is appropriate, to inform but not to overwhelm. Possible outcomes, timescales, costs and how customer actions might affect these three factors should all be explored and explained. It's also important to meet the customer where they are – consider the format of the information, and the level of detail, to suit the individual in question.
- Empathy is critical. Any customer-facing staff, including lawyers, must take time and care to develop an understanding of their client's specific circumstances and emotional states, considering what impact different outcomes would have on that client's life.
- Specific relationship management and soft skills training will give customer-facing staff the confidence to deal with even the most tricky situations, dealing deftly with misconceptions and managing expectations.
- Consider the different needs of different demographics. For example, paperless working suits businesses and it often suits younger customers – but older generations might prefer hard copy paperwork.
- Think about how welcoming the firm is – can customers visit without having to be buzzed in, does the reception look fresh and clean, are they offered refreshments on arrival? Make this welcome part of your brand.

- Business processes must be designed to support a seamless customer journey, enabling all touchpoints to deliver the highest standard of customer service.
- It can be helpful to educate customers of the risks involved in using low-cost digital legal services, or de-regulated or under-qualified providers, to make sure the value of regulated, expert legal services is fully realised.

By addressing expectations, marketing effectively and managing relationships with care, firms can elevate themselves from being a mere service provider to a trusted partner. This approach not only improves customer satisfaction and loyalty but also strengthens the firm's market position, making it more agile and resilient in the face of change.

#### Know your people

In order to lead a firm into a new era of success, leadership must manage the change in a way that enables staff to bring their best selves to work, and pull together for the good of the business, and the customers – while furthering their own career objectives. To do this it's critical to understand your staff's motivations and how to set the right conditions. The two key areas of focus are:

- **Recruitment and training:** Attract and retain top talent by fostering career development, continuous learning and diversity initiatives. Providing employees with the skills to adapt to technological and industry changes will have the dual impact of improving their satisfaction levels as well as raising satisfaction amongst the client base. Of particular note are the following:
  - In-house learning and development programmes can be tailored to address specific organisational goals, empower employees, fill skills gaps, and build internal expertise, reducing dependency on external hires and helping to safeguard the firm's brain trust. Broadening skillsets (in particular non-legal topics such as technology proficiency, emotional intelligence) prepares employees for the interdisciplinary challenges of modern business, so a culture of continuous learning should be fostered. This carries benefits for both the attraction and retention of the best talent.
  - Diversity awareness can help access previously untapped talent pools, and support candidates from underrepresented groups into legal careers.
  - Recognise when poor performance is proving a barrier to success; don't be afraid of the difficult conversation, chances are if somebody is struggling they are not enjoying their work and would rather be in a role that suits them better. With empathy and support, it's possible to help such staff move on in a positive way, to mutual benefit.



- Employ specialists to do specialist jobs in departments such as finance, sales and marketing, and HR. It can be especially useful if new hires come from other professional services businesses – or even other sectors – and can cross-fertilise new knowledge to lead on improvements and elevate both customer service and business performance. The breadth of skillsets on the executive board also requires consideration; external specialists and non-executive directors can bring a wealth of additional experience to the table at the highest level.
- Functions such as HR and IT must be suitably resourced in terms of knowledge and capacity, to support other staff in their roles, pulling together for the common goals. Ideally, there should be senior experience and sufficient numbers of in-house staff within these departments.
- **Workplace culture:** Create a supportive environment that prioritises well-being, collaboration and work-life balance; encourage open communication and align internal culture with client-centric values. Consider in particular:
  - working hours
  - workload division
  - teamwork and collaboration
  - mentoring and coaching
  - career development and training
  - wellbeing
  - support with difficult clients
  - work-life balance
  - hybrid working policies
  - internal communications

### Operational framework for excellence

This aspect of the framework focuses on optimising operations, finances and technology to ensure sustainable growth and superior client service:

Systems and operations

Strategic systems encourage a culture of accountability and collaboration, both of which are essential for successful transformation, while supporting team development ensures employees have the skills and motivation needed to adapt to new challenges. Growth strategies integrated into strategic systems provide a roadmap for scaling operations effectively and sustainably.

At the heart of this area of focus are three essential actions:

- Establish key performance indicators (KPIs) to track progress and accountability.
- Regularly audit and refine business systems for efficiency, standardisation and automation.
- Develop and implement growth strategies to scale operations effectively.

For quality, efficiency and consistency, business systems and processes must facilitate the smooth running of the company in any circumstance, even if key staff were to move on. The underlying principle is that the systems run the business and the people then run the systems. The key systems pertinent to law firm operations include:

- Strategic management system (business direction and objectives – growth, systems and process management, business metrics / KPIs, culture, team development, cashflow strategy, marketing and sales strategy, SWOT, quality assurance strategy, recruitment strategy, internal communications strategy, market research)
- Marketing system (paid social, merchandise, qualifying leads, social media posting, content development, PR, website and SEO, referrals, joint ventures, email marketing, print advertising, direct outreach)
- Sales system (CRM, prospecting, workshops and presentations, up-selling / cross-selling)
- Operations system (customer service, job costing, onboarding, service delivery, quality assurance, project and task management)
- Administration system (Information management, IT management and security, document management, calendar management, H&S, inventory management, scheduling, travel arrangements).
- Cash flow system (accounts receivable, bookkeeping, budgeting, accounts payable, financial reporting, expenses management, payroll, debt collection, cash flow forecasting)
- People management system (communication, employee surveys, staff satisfaction management, 360 reviews, training, induction, records management, exit process, hiring process, profiling, performance management process, leave applications)
- Compliance system (professional indemnity insurance, other associated insurances, expressions of dissatisfaction register, complaints register, centralised file audit, accreditation audits and renewals, supervision meetings, compulsory training)

Each of these systems must be tested, challenged and amended periodically to ensure that they still perform optimally even when circumstances may change. A focus on simplification and automation is always a wise choice.

#### Financial stewardship

Rigorous planning and management of the financial side of the business is absolutely critical for sustainable functioning, let alone growth. Key aspects include:

- **Pricing structures:** these must offer certainty, transparency, choice and genuine value, for the customer to feel both in control of their financial outlay as well as satisfied that they have received the service that they have paid for. Getting this right might involve giving your fee-earners some discretion over billing, to decide when to log time and when to simply chalk up a six-minute call as customer relationship management. It should go without saying that payment terms must be clear, and a choice of payment methods should be offered for maximum convenience.

Transparent pricing builds trust by eliminating uncertainty, so customers are more likely to engage with businesses that provide clear, understandable billing structures; predictable billing, such as fixed fees or tiered pricing, aligns with customer preferences, strengthening relationships and enhancing satisfaction. Providing choice also empowers customers to select services that best meet their needs and budget, enhancing the perception of value, while emphasising value in pricing ensures customers feel they are receiving fair compensation for the services provided, which can boost retention and referrals.

- **Robust cash flow management and forecasting systems:** Cashflow is the lifeblood of your business, so map it, manage it, and understand its peaks and troughs – forecasting tools are a must. Collections can make the difference between healthy cash flow and a struggling business, so good credit control is an important consideration.
- **Well-informed decision making:** Allocate resources effectively, balancing current needs with long-term investment in growth. Profit is of course the aim, but do remember that you will need to apportion some of this as working capital, to fund the business, and also set aside a portion to invest in business growth, to safeguard future profits also.

#### IT integration

Technology isn't a silver bullet (and AI isn't going to replace lawyers) it's more about how models, processes and workflows are reimagined with technology as an enabler. It's important not to shy away from this significant change in how law firms operate – and cost certainly shouldn't be a reason not to investigate and employ technology. As time goes by, and a greater proportion of your customer base and workforce are made up of digital natives, they will come to expect technology use as a given.

- Leverage technology to enhance client experiences (e.g., CRM systems, case management software).
- Focus on tools that streamline processes, reduce costs and improve accessibility for clients and staff.

- Regularly evaluate and upgrade technological systems to maintain relevance and effectiveness.

Simple technology-based tools are for the most part cost-effective and easily scalable, allowing businesses to adapt to growth or market changes without significant upfront investments; by streamlining operations, tech can improve efficiency while reducing overhead, aligning with transformation goals.

An integrated technology ecosystem will provide power greater than the sum of its parts and avoid silos; the correct constituents should be chosen to prioritise usability and scalability, ideally with the scope to provide the data to inform strategic decision-making. Regular audits are important to ensure that the tools continue to deliver value as the firm evolves.

It's not simply enough to invest in the right technology, however, it's important to provide effective training for staff – and create a positive culture around the switch to a digital way of working – in order to maximise take-up, and of course regular maintenance and updates are imperative to ensure optimal effectiveness and security.

Keeping the focus on customer experience, technology dovetails with customer-centric marketing through omnichannel strategy (to ensure consistent communication across all channels, including email, phone and social media), CRM utilisation (leveraging data insights to personalise interactions, anticipate needs - and therefore optimise sales – and improve response times), and feedback mechanisms (post-interaction surveys can measure satisfaction and identify improvement opportunities; online reviews and testimonials can help drive new prospects into the sales funnel).

Technology really has become the backbone of modern business transformation, enabling organisations to operate efficiently, respond dynamically to market needs and provide superior customer experiences.

### **Improving legal system functionality**

There are of course significant limitations on the ways in which law firms and legal professionals can effect systemic improvements. That job must ultimately fall to the staff of the many agencies which make up the justice system, directed by the policies – and the budgets – set by government. However, we must, as a profession, lobby for improvements to be made, and use our lived experience as well as our sense of morality to try to encourage the changes that must be made.

In terms of the reforms that industry insiders feel would be the most effective, there was considerable agreement that tinkering with the details would not produce the results that are

required; a holistic and comprehensive approach is required, covering a number of key elements:

- Judicial continuity would aid efficiency significantly.
- Video and telephone hearings would help clear court backlogs, while the organisation of court dates should be reformed to reduce delays and date changes.
- A more coherent approach to digital transformation is imperative – currently, not even the basics are being done correctly, for example the Common Platform has fundamental shortcomings.
- Police practice that is efficient across the process, not just creating efficiencies within that service.
- The removal of bureaucratic processes would result in better efficiencies.
- The availability of Legal Aid to those who need it.
- Reforms which avoid false economies. For example, cuts to Legal Aid have likely had an impact on Mental Health Services budgets because of a rise in poor mental health, while also resulting in more litigants in person, which leads to less efficient case progression and poorer outcomes, and impact court availability and budget (which in turn contribute to poorer mental health, and so on).
- The regulation of estate agents and other parties professionally involved in legal processes.
- Improved Public Legal Education.
- A review of the role of the press, and how it might be possible to improve the quantity and quality of reporting on the law and legal system.

The bottom line is that funding is required in every part of the legal system, from Legal Aid rates and availability to court estates, technology investment to regulation. This will only become a possibility if our profession can find the capacity to take on three key activities to try to exert pressure both directly and indirectly to effect change:

- Lobbying for systemic change
  - Advocate for increased judicial funding, legal aid reform, and improved court operations.
  - Pressure industry bodies and government agencies to address inefficiencies and systemic failings.
- Influencing public perception
  - Promote public legal education to improve understanding of the legal system and its challenges.
  - Engage with the media to raise awareness and shift narratives around access to justice.

- Pro bono work
  - Encourage firms of all sizes to engage in pro bono efforts to address gaps in access to justice.
  - Highlight the dual benefits of pro bono work: supporting the community and enhancing the firm's reputation.

## Legal services: fulfilling customer wants and needs

In this thesis, underpinned by a mixed methodology research project of unprecedented reach and breadth, I have identified and investigated the disconnect between contemporary client expectations and law firms' current ability to deliver on those expectations, in the context of a chronically underfunded justice system, and it is clear that something has to change.

Law firms can only fulfil their clients' wants and needs by looking critically at their operations, and taking steps to transform into a 21<sup>st</sup> century business which is flexible and customer-centric. This approach will not only deliver significant improvements in terms of meeting customer expectations, but will also improve the firm's resilience and ability to deal with the shifting sands of the economic climate.

The law firm transformation framework offers a structured approach to navigating the challenges of an underfunded justice system while meeting modern client expectations. By building on a foundation of excellence, strengthening core pillars and optimising operational frameworks, law firms can deliver better client experiences, drive sustainable growth and become more resilient to external pressures.

This framework provides a practical guide for transformation and also aligns with the broader ethical imperative to ensure access to justice. Law firms can indeed thrive, even within systemic constraints, and ultimately this not only benefits those in need of legal services, but the 368,000 employed in the sector also.

Without any effective influence over the state of the legal system in the UK, which has been degrading through lack of funding over four decades, to a horrific low, the only option open to law firms is to raise their game by controlling the controllable in this way. In the absence of a government willing to do right by the public, and invest in restoring the legal system to a workable level of quality and fairness, we must evolve our business models. It may not be right, it may not technically be our full responsibility to compensate in this way, but we can at least try to mitigate the challenges of a system in crisis, to attempt to deliver the quality of service and access to justice that our clients want and deserve.

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