

Chapter 11:

Mapping the client journey in the new normal

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In discussing the history of physics, author Isaac McPhee posited that “the greatest scientific advancements come not when our experiments prove our theories even more accurate, but when we find ourselves facing a situation where the experiment no longer coincides with the theory”.

As a law firm partner, leader, or CMO, by now you’ve absorbed the initial shock of COVID-19 and realized that it’s time to start emerging from crisis response mode. But we are nowhere near a point at which we can expect the aftershocks from the tectonic shifts of the past four months to dissipate. Most businesses, law firms included, are still dealing with the financial, professional and social urgencies emerging from the pandemic, economic fallout, and social unrest, while also attempting to anticipate and respond to our clients’ evolving needs. Navigating this uncertain middle ground – the constantly shifting conditions and the unknown outcomes and timeframes – is critical to master in order to help our clients better navigate their own journeys in the “new normal”.

But let’s back up for a second. How do we even define “new normal” without reviewing and defining the “old normal”? And is there truly an “old normal”? Or was the legal profession and the delivery of legal services already in flux? Certainly, all professions and B2B organizations have experienced substantial ongoing change over the last several decades. We believe that law firms are no different.

Prior to the pandemic

During the first two decades of the 21st century, client expectations increased, knowledge and information became more democratized and accessible, globalization expanded, better technologies were developed, law firms became more competitive, and purchasing legal services became more complex with the rise of RFPs and procurement.

Firms that we thought would stand the test of time tumbled or, more often than not, merged in the intervening years. Most importantly, the client has gained considerable power in dictating to firms what they want, how they want it, and how much to pay for it.

Clients also began to demand innovation – and defining innovation in a thousand different ways – from “less expensive for the same work” to “how can we do this using pure artificial intelligence” to “hybrid services that encompass law, accounting, and other unified ancillary support”. Let’s not forget that firms were already facing competition from PwC, Deloitte, and other consulting firms that could offer nearly identical services in areas such as tax, backed by a much better funded innovation budget and emphasis on the exploration of the use of artificial intelligence. To be sure, firms did relatively well in 2019, but most law firm leaders we spoke with were bracing for and expecting a 2020 recession that would shine a much harsher light on issues firms were already facing.

Therefore this concept of “new normal” that has been circulating since the pandemic first gained traction and the ensuing economic fallout showed up on our doorstep is a false precept. The “old normal” that people may refer to was also in flux and evolving. However, it was so slow that its movement may have been imperceptible. Even with that glacial pace, many firms had been grappling with how to best position themselves as a firm, where and whether to invest in innovation, what practices to focus on, and how best to develop new business and expand relationships with current clients.

The current reality for your clients

We offer two statements. First, the current reality is not great for many clients. Think about the energy sector. The price of oil was already at historic lows at the end of 2019 and expected to continue to tank with the escalating price cuts between OPEC and Russia that ushered in 2020. Think about the restaurant industry. Think about the commercial real estate sector.

Second – for some clients it’s very good. Think about distressed debt investing arms of private equity firms. Think about how many Zoom or Webex calls you’ve engaged in during the past two months. Think about the significantly increased reliance on technology to enable remote working. Think about delivery services. Companies in these particular sectors are doing very well right now and are expected to continue to grow and embed themselves in the economy permanently.

The smart money tells us that irrespective of the category of your clients (and your firm probably has some of both), it still spells more challenging circumstances for law firms. Those in the first group are facing tighter budgets, their own layoffs, uncertain forecasts and, as of this writing, are slow to pay their legal fees. Their PPP funds (if they received any) have run out, and they will continue to make deeper cuts. Outside legal advice, in the absence of an extreme need, is already on the list for renewed scrutiny. Those clients in the second group are less likely to delay paying their bills, but they too have been expected to cut any fat out of the budget, as they redirect their resources towards expanded services for their own clients. They are also keenly aware that this is a good time to go bargain hunting or at least ask for discounts, since so many of their service providers are willing to make the concession. Both categories of clients need innovation. They may not use that word, but they need advice – practical advice – and they need it delivered quickly and cost efficiently.

So, what's a law firm to do?

Why client journey mapping matters

In an industry where the competition for legal work continues to intensify, clients' legal budgets are likely to decrease as a result of the economy, and as procurement's prominence continues to grow and embed itself into the process of selecting outside counsel, law firms can no longer rely on competitive tactics that accentuate capabilities, expertise, and reputation above all else. Today, differentiating the client experience becomes a critical component of a law firm's success.

In 1997, Robert Woodruff, University of Tennessee professor of marketing and customer value and satisfaction theories expert, wrote that many organizations, "driven by more demanding clients, global competition, and slow-growth economies and industries," were searching "for new ways to achieve and retain a competitive advantage". He described how past attempts focused internally and included bringing in new management, reengineering product or service processes to gain efficiency, restructuring, merging, and downsizing (Figure 1).

Once these techniques were exhausted, he predicted that "the next major source for competitive advantage likely will come from *more outward orientation toward clients*, as indicated by the many calls for organizations to compete on superior client value delivery".

Lawyers, we would argue, are keenly focused on delivering the best legal services and helping their clients achieve the best results possible. But that focus doesn't always result in the best experience for their clients.

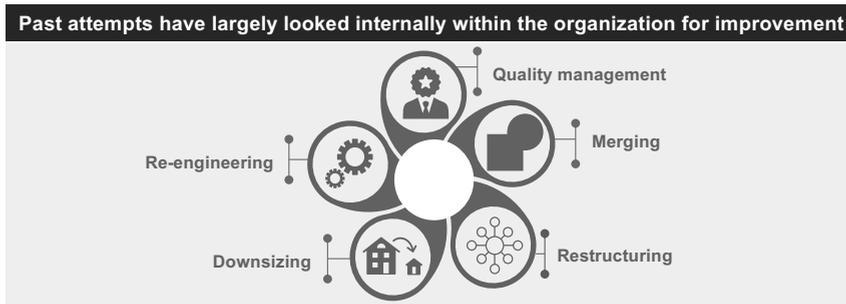


Figure 1: New ways to achieve and retain a competitive advantage.

Why? One reason is that the client's definition of success, value, and client service is often broader than the law firm definition. The delivery of legal services is a central component to the experience, but it is far from the only one. Another reason, we continue to find, is that *law firms still, even today, don't take the time to really ask and really listen to their clients' definition of success, value and client service.*

Our work interviewing clients on behalf of law firms confirms that clients define the experience more expansively. For them, it includes every interaction with a firm, including dealing with lawyers, paralegals, assistants, receptionists, IT, and accounting, and even third-party providers such as court reporters, whether in-person, by phone, or electronically. It includes every excellent result and every overstaffed phone call. Every succinct email explanation and every blown budget estimate.

Clients don't experience all of this in a vacuum. Consciously or not, they are comparing it to every other matter that they've worked on with any other firm. It doesn't stop there. When it comes to client experiences, law firms aren't just competing against other legal service providers; they are competing against all experiences that shape the expectations of their clients. Remember when Google first became popular, and soon thereafter people started asking for databases with "Google-like" search capabilities? The same principle applies here. Every new app or process improvement that makes other aspects of one's personal and professional life easier puts pressure on a law firm to improve the overall experience for their clients. Think of it this way – is your firm's client service as good as Amazon's?

Simply put, most law firms couldn't continue to compete purely on the basis of capabilities, expertise, reputation, and results before the pandemic. They certainly can't do so now! There are hundreds of firms with competence, expertise, specialization, and – most importantly – *capacity*. Take a moment to think of any matter your firm is currently

handling. If you can't immediately think of five other firms that could handle the legal aspects of the matter just as effectively, you're either not thinking hard enough, or you have a very exalted position in the marketplace for that kind of work. More likely, it's the former.

To complicate the situation further, prior to the pandemic, most law firms were focused on providing an expanded set of services to their current clients. Articles with techniques for cross-selling abound. Firms that have developed strategies around expanding current client relationships needed to improve not only individual matter-level experiences, but experiences for those clients that need more than one type of work from your firm (Figure 2).

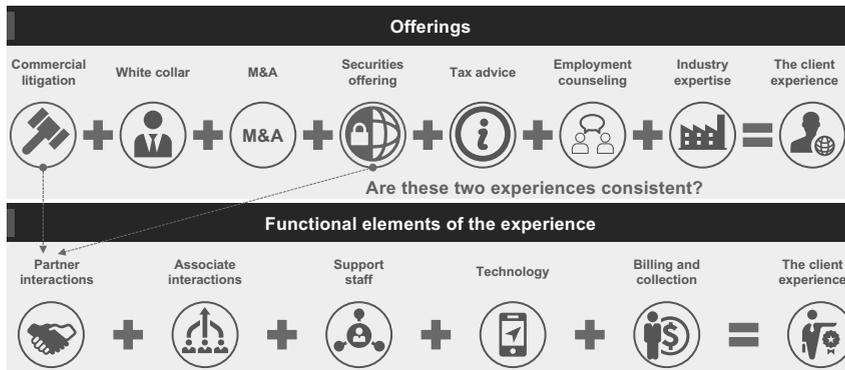


Figure 2: How to provide an expanded set of services to clients.

The problem most firms have now is that, in response to the pandemic, many clients limited the work they were seeking from outside law firms to specific, immediate need-driven advice. This meant firms could no longer cross-sell as clients had no time and no need for it. Simultaneously, however, the pandemic uncovered the exact issue firms were grappling with before. Because clients had very specific needs, they were suddenly getting advice from practices and lawyers with whom they hadn't dealt before – the firms needed to deliver an experience that met the client's needs while balancing the firm's own difficulties in learning to work remotely and collaboratively with lawyers with whom they normally didn't interact.

While some firms have reengaged the tools of downsizing and restructuring to help them through the pandemic, most have already run through those options and find themselves continuing to compete as intensively, if not more so – often on price, as clients now regularly use the selection

process as a way to contain legal budgets. As a result, the shift toward an outward focus on the client experience as a way to distinguish the firm, develop loyalty, and counteract price erosion, is critical.

Forward-looking firms are embracing this outward focus by engaging consultants to conduct client interviews and by gathering informal feedback through managing partner or practice head client calls, as well as teaching partners how to have meaningful conversations with clients to gather helpful information (Figure 3).

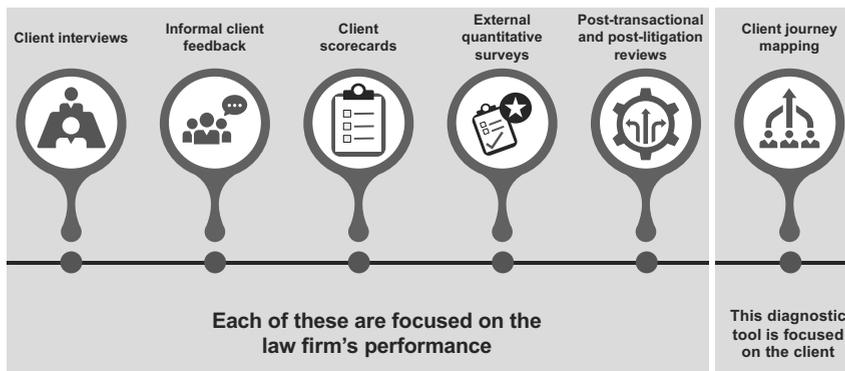


Figure 3: Engaging with clients.

Each of these tools can be powerful in and of themselves, and I encourage all firms to consider using them. But none of them focus purely on the client experience. Instead, they focus on the law firm's performance in assisting their clients.

The client's point of view

The best way to truly improve the client experience is to use a technique that forces you to experience your firm's services from the client's point of view. One such technique, known as client journey mapping, has been used successfully by corporations across industries and around the world. Consumer product and B2C organizations such as Amazon, Apple, and Disney, as well as B2B and consulting firms such as IBM and McKinsey, have focused on the client journey as a way of improving and distinguishing the client experience.

The definition of a client journey map is a visual representation of the steps and perceptions that a *specific* client goes through over a period of time to accomplish a specific goal that may include some interactions with your organization. The map helps identify how the client views an organization by putting interactions in the context of the client's

broader goals, objectives, and activities. Mapping, done correctly, can be a powerful first step in creating a client-centric culture that delivers differentiated client experiences.

There are seven basic steps to the mapping process, as highlighted in Figure 4.

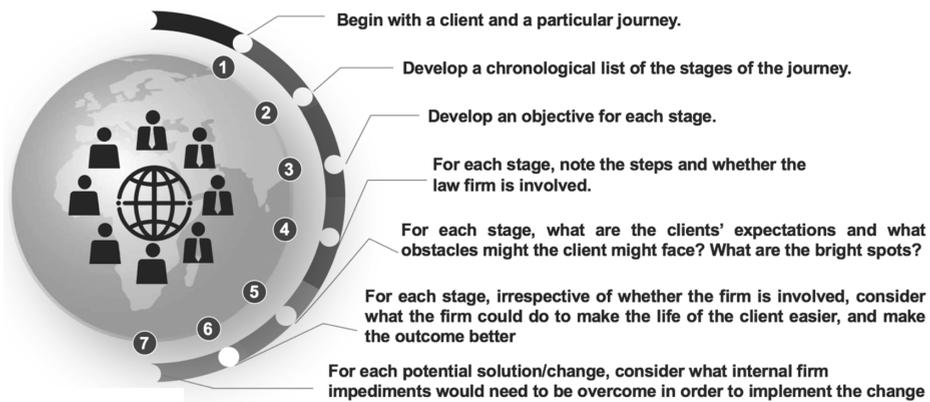


Figure 4: The seven basic steps to the mapping process.

Firstly, select a journey that you'd like to map out. For the purposes of this chapter, we're going to map out a client's experience managing a class action litigation. When we talk about identifying a client, we use the definition of a person, not an entity. It's important to humanize the journey for the mapping process to work. Our fictitious client for this exercise is Dana Smith, GC of a Pharmaceuticals company. It is critical that the entirety of the mapping process is done from Dana's perspective. Therefore, you must assume the voice of the client – the "I" pronoun – when developing the map.

Next, we need to list the chronological stages of the journey. In this litigation, the stages may look like those outlined in Figure 5.

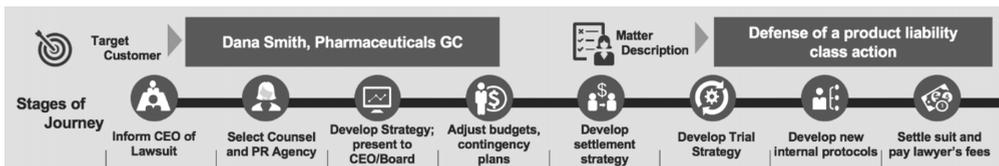


Figure 5: Stages of the journey.

We then list the client's objectives for each stage of the matter. For example, in the strategy development stage, Dana's objective might be to provide the CEO and Board with the best option(s) to settle the matter expeditiously.

We then need to list the activities the client would engage in during each stage, irrespective of whether those activities involve your law firm. During the strategy development stage, Dana will need to meet with the CFO and CEO prior to the presentation to the board. Before doing so, she will need to review the case analysis and discuss various legal options for handling the matter. (She will need to do a lot more than that, but for the purposes of this example, I've listed the major steps.)

We then develop a list of expectations and obstacles that the client might face in each stage of the journey. In our fictitious example, Dana expected to receive practical advice from her outside counsel as she developed a strategy that she took to the CEO and board. Instead, she ended up at odds with the lead partner who believed Dana's favored approach to be too high-risk. As you can imagine, Dana was not pleased. She now considers the outside counsel to be an obstacle to the successful resolution of the matter, rather than the ally she had expected.

After we've filled in the map completely, we need to review the expectations and obstacles and brainstorm better ways the firm might help the client address those obstacles. In our example above, there may have been a lack of communication between the client and the outside lawyer at the onset of the matter about the company's risk tolerance that led to the miscommunication.

In engaging in this part of the journey, we encourage firms to disregard the limitations of their firm structure. That will be addressed in the last step. Instead, try to imagine the ideal version of this journey and how the obstacles identified could be addressed. What processes could a firm put in place early to ensure that miscommunications don't occur? What could the firm do throughout the engagement?

It is important to note that issues that reveal themselves often have their origin in a different part of the journey. Therefore, when brainstorming solutions, try to identify and address problems at their source. In addition, those issues are rarely limited to miscommunications. They can include surprises about billing, staffing, and unexpected legal or personnel issues that arise during the course of a matter. When considering potential solutions, think about whether manpower, expertise, process, technology, and communication need to be adjusted. Draw upon the strengths of the team to be creative about the solutions.

One of the biggest mistakes that people make when engaging in this exercise is to focus solely on the obstacles. Try to find the areas where the firm has performed well – also known as the bright spots. Often, these bright spots will provide inspiration for improvements that can be

made across the client journey, and may hold the key to addressing some of the obstacles identified.

So you've now mapped the journey and brainstormed what the ideal journey might look like. Here's the hardest part – taking the idealized version of the journey and making as much of it a reality as possible. It requires courage and commitment to tackle issues and obstacles within the firm that might stand in the way of improving the client journey. When armed with the client's point of view, and a diverse team around the table, we are confident that the solutions you develop organically will be palpable and meaningful. Don't forget that small wins are still wins.

How journey mapping may be particularly helpful in a post-pandemic world

One might think that, given the state of flux in the world, it would be impossible to accurately map a client journey or have any journey be representative of many client journeys right now. It is precisely the current world instability that makes client journey mapping a particularly meaningful exercise. Instability has led many clients to face the same daunting circumstances, thereby creating elements of a more unifying journey (e.g. trying to access PPP funds or other forms of capital or dealing with supply chain issues). Simultaneously, because clients are unsure of their own path, your efforts to help them map it out could lead to better business as well as legal outcomes for them.

It offers current and actionable perspectives

The post-pandemic world is not static, it has changed your clients' business and will continue to evolve in often unpredictable ways over the foreseeable future. The current period of economic uncertainty and volatility has served to both accelerate the growth of, as well as up-end, entire companies and industries. What you thought you knew about your clients' business may no longer completely hold true. Client journey mapping provides a vehicle to gain and retain a current and informed perspective. Through an established and ongoing process of active listening, it pinpoints opportunities and offers a roadmap to truly differentiate service delivery and improve client care – from the client's own point of view. In that way, it is a powerful tool to gain competitive advantage in the post-pandemic world.

The concept of client journey mapping, however, can often sound abstract, especially when we think about it on an institutional level. Here, we have to remind ourselves that clients are people, and that legal

advice and counseling is given by individuals to individuals. That advice may be on behalf of an organization, but it is still a human interaction. Therefore, the value of client journey mapping also intrinsically involves gaining needed perspective on the experiences, objectives, and motivations of the people we serve. In that way, it can help to further strengthen and humanize the relationship in ways that also further enhance a firm's competitive position.

Remember, however, that the perspectives gleaned from the mapping exercise are not meant to be simply informative. They are meant to guide action to improve and differentiate the client experience. It's not enough to lend an ear. It's not enough to ask probing questions or gain a better understanding of your client's situation, all of which you should be doing. It's about finding ways to be helpful both within and outside the context of the legal services you provide. Can you make an introduction that would be helpful? Can you bring the expertise of another kind of professional (a banker, for example), or even the kind of advice that may be more personal in nature (juggling homeschooling while working, for example.) Putting a human face to your relationship can go a long way to embedding these relationships for good.

It strengthens your position as a trusted advisor

It's important to remember that the trusted advisor is still needed. The more your firm and individual lawyers can embody the ethos of a trusted advisor, the better you will weather this difficult period. One of the most helpful ways to do this for your clients is to consider their past as an organization – their history – and the disruptions they've faced before, in the context of industry, geography, or world events. This is an area where client journey mapping may be particularly well-suited to help.

In concert with active listening, the insights obtained through the journey mapping process should be contextualized by looking at your client, as well as similarly situated companies, during significant periods of economic or industry change. This will allow you to anticipate future needs and be in a position to proactively propose new solutions or services in advance of the client articulating the need for them or to avoid the mistakes of the past.

If you feel ill-equipped to do this, it would be the perfect time to team up with an investment banking research team, an organizational consulting firm, or even a tech company that focuses on using artificial intelligence to help predict outcomes. You can even engage in some

out-of-the-box brainstorming about what might be on the horizon through a hack-a-thon event with your clients.

Don't worry – your clients aren't expecting you to predict the future. But the more you engage in the dialogue about what could be next, you can help your clients brainstorm, plan, and prepare in a way that will knit you even closer together with this client. By doing this work, you can provide insights from past disruptions that may shed light on what your clients might see in the road ahead.

It creates a roadmap for innovating the client experience

Ultimately, the client journey mapping process is about improving client care and creating a differentiated client experience that offers you a competitive advantage. Don't be afraid to ask your clients what is working and what can be improved. Take stock of what has been essential during the initial portion of the pandemic. What behaviors were appreciated? What systems/behaviors were abandoned because they were deemed too bureaucratic or didn't help the client? Have an honest conversation about which practices or which lawyers did not fare well during these first few months and why. Are they simply in a depressed practice? Or was it something about their interactions, level of advice, or service?

Examine closely, as well, the full array of the firm's interactions with the client. What can be reengineered, streamlined, and improved? In doing so, think broadly and expansively. Take a look at every touch point and obtain feedback from lawyers, paralegals, administrative assistants, and frankly, anyone who has interacted with any individual at the client organizations over the past few months. They've gathered a great deal of actionable intelligence related to the functional elements of the client experience. Don't let it go to waste. Rather, work on systematically collecting and analyzing this information.

Also, it is critical to consider how technology can be used to support a differentiated client experience. The pandemic has accelerated the acceptance and use of technology in delivering legal and supporting services and we can reasonably assume that it will increasingly be a part of firms' standard client care "toolkit". So, when developing a roadmap in response to the mapping exercise, it is important to think outside of the box of how your firm has traditionally operated. For example, let's consider that one of the largest line items on a firm's budget is associate salaries. Let's also consider that a recent NALP survey indicated that, at most firms, a full 40 percent of those associates don't want a long-term future with the firm. Perhaps it's time for firms to invest more into the

use of artificial intelligence and other advanced technologies to provide services to clients that will remain part of the institutional knowledge and offerings of the firm.

A differentiated client experience, however, does not rely on technological innovation alone. Some of the most important ways firms have innovated over the past few months were initiated as a matter of necessity. Many of those innovations did not involve costly technology or involve radical, transformative change. Clients have told us that they appreciate actionable, specific advice in short memos, as well as regular, short Zoom meetings, and could care less that the invitations weren't fancy, and the production values weren't high. Those kinds of "innovations" cost next to nothing and make an impact on clients. So, abandon the overly produced in favor of the helpful. In the words of Nike, "just do it". Don't be paralyzed into thinking that innovation is outside of your comfort zone, budget, or control.

It helps you define what you stand for

Consider this question – if your clients were to design your firm, what would they build? What changes would you need to make in order to build it? Could you be a profitable firm *by* delivering the kind of firm your clients want and need? Why not? Client journey mapping provides you with valuable insights not only how to improve client service, but also how you can differentiate yourself in a post-pandemic world. As noted earlier, firms can no longer rely on competitive tactics that accentuate capabilities, expertise, and reputation above all else. In today's post-pandemic world, differentiating the client experience is key to a law firm's success, and should be a key tactic in support of its strategy. Use the client journey mapping process to articulate and test that strategy and positioning. Get your clients' feedback and continue to make refinements. Breathe life to the concept that your client service is a differentiator.

Summary

Client journey mapping may appear daunting at first, but the concept behind it is really simple. The better a law firm understands the client's journey in and outside of interactions with your firm, the better positioned the firm will be to help the client in a more complete and holistic manner, thereby distinguishing itself from the competition. Better client experiences lead to higher satisfaction and the holy grail of client loyalty. That's good for the client, the lawyer, and – let's not kid ourselves – the

bottom line. That's critically important in today's unpredictable, rapidly changing environment and hyper-competitive marketplace for legal services. The time to start is now.