**Decision Makers and Legal Technology:
3 Barriers to Getting the Sale and How to Overcome Them
A White Paper on ROI**

Everybody knows that marketing research is essential to boosting ROI. Everybody also knows that marketing research is often put aside for more urgent matters; however, this is a mistake. In the world of legal technology, a bit of market research can really boost ROI.

This paper addresses the three major obstacles for those who market to the legal decision maker or buyer:

1. Competitive Confusion

Attorneys need legal technology, yet many don't recognize this need, or they have something in place, but don't know how to use it. With all the competition in the legal technology marketplace, lawyers need to define their needs carefully and then shop around exhaustively for the right product, but not many of them have the time or willingness to do so. Instead, they often make no decision at all, preferring to go on like they have been, as inefficient as it may be. Or due to competitive confusion, they make a quick decision and buy a system that fails to meet their needs and proves to be too complicated or unwieldy to use.

Lawyers are extremely busy people, and some of the most successful are actually the least technologically savvy. Although attorneys are quite capable of understanding the most complex legal concepts, many of them, especially those in decision making positions, are decidedly "old school" and do not relish the idea of spending thousands of dollars on legal technology that they are not convinced will have a positive effect on their bottom line. When faced with a decision regarding purchasing legal technology, they often ask the inevitable question, "We've already got Outlook, GroupWise, and TABS, won't those programs do the same thing?"

They need convincing.

To reach attorneys, the right kind of marketing is needed. But what is that? Simply put, legal technology marketing must be about them. To reduce competitive confusion, it must be direct, to the point, and designed to provide solutions to their most pressing problems. Legal technology marketers must think like attorneys and be able to speak their language

(not legalese) by offering solid, straightforward solutions to some of the problems that keep legal decision makers awake at night.

- **A lawyer's biggest fear: missing a statute of limitations.**

An attorney is sworn to represent a client's interest to the best of his ability, and failure to do so can cost the client a lot of money in a civil case and his freedom in a criminal matter. Missing a statute of limitations not only denies a client his right to have his day in court, it may also cost the lawyer his livelihood.

According to AmericanBar.org, the top 10 reasons that malpractice suits are filed against lawyers include:

1. Failure to know or apply the law
2. Planning error
3. Inadequate discovery or investigation
4. Failure to file documents by the deadline
5. Failure to calendar a deadline
6. Failure to be aware of a deadline
7. Procrastination
8. Failure to obtain client consent
9. Conflict of interest
10. Fraud

Note that half of these, specifically numbers 2, 4, 5, 6, and 7, directly or indirectly relate to missing some sort of deadline, such as a statute of limitations.

If legal technology offers an efficient way to calendar deadlines and a tickler system that provides timely reminders, most lawyers will be willing to forego their Post-It notes for a more efficient system. Investing in legal technology is a small price to pay when it comes to meeting a deadline and saving a career.

- **Lawyers hate losing billable hours.**

Although most lawyers and legal professionals intensely dislike tracking their time, either by writing it down on a timesheet or entering it into a computer program, there is one thing they hate even more: losing billable hours because they forgot to bill a client for the letter they drafted, the hearing they attended, or the research they conducted.

Although it may seem small and insignificant, lost time adds up, and the goal of most attorneys is to be compensated for everything they do (and everything their paralegal does). As a result of poor recording practices, disorganization, and distraction, attorneys can fail to bill anywhere from 10 to 25 percent of their billable hours, resulting in a huge loss of revenue.

At $150 to more than $500 per hour depending upon billing rates, you can do the math.

If legal technology can help attorneys capture more time, generate bills faster and more accurately, is easier to use than a pencil and paper, and makes billable hours go up, chances are an attorney can't afford <u>not</u> to hear about it.

- **Lawyers want to feel in control.**

Attorneys and law firms are competing for clients at an unprecedented pace, and the pressure to deliver topnotch legal services at a lower cost has never been greater. Lawyers are looking for better ways to use, manage, consolidate, share, and protect case information, and legal technology can provide a very efficient means to do so.

According to the American Bar Association, law firms that effectively implement case management software systems enjoy <u>higher profitability</u> due to a decrease in non-billable time spent looking for lost case information, <u>higher client satisfaction</u> because their status-related questions are answered more quickly, and a <u>higher quality of life</u> for lawyers, who end up feeling less stressed and more in control of their cases.

Legal technology can help transform the most disorganized law office or legal department into a super-efficient provider of legal services, sometimes almost overnight. When presented with a choice, what lawyer or law firm would choose stress and inefficiency over organization and a healthier work environment?

- **Lawyers are uncomfortable with change.**

The legal industry is historically slow to change and adapt to new practices, but a new digital age has arrived, and with it, advancements in technology, including eDiscovery and electronic case management software.

Litigation attorneys might enjoy taking a case to trial, but few would say that they relish discovery – the pre-trial process of exchanging piles of paper with the adverse counsel. And now they also have to worry about managing a new kind of discovery: Electronic or "eDiscovery," the discoverable data that is generated by email, social media, voicemail, instant messaging, removable media, blogs, and smart phones.

Although many law firms choose to outsource the processing and hosting work required for eDiscovery, legal technology marketers are increasingly being asked for options to help bring the electronic discovery process in-house with ECM software that will allow litigators to maintain control of eDiscovery and keep costs down. Legal technology marketers need to provide information about such options.

- **Lawyers detest being upstaged in court.**

In the past, paper exhibits mounted on foam-core boards and a flip chart and marker were common and acceptable ways to present evidence in court. But the modern litigator understands the value that demonstrative exhibits, graphics, and trial technology can add,

both to enhance his effectiveness in the courtroom and also to define the type of clients and cases he will likely be able to attract going forward.

Marketers need to realize that trial presentation software isn't just for big defense teams representing clients with deep pockets; it is actually more specific to the type of attorney rather than the size of firm or type of client. <u>Small firm doesn't always mean small case</u>, and it is more common than not to see some type of trial graphics or technology in courtrooms in small towns as well as large cities today.

Lawyers understand the need to appeal to jurors visually, and are concerned that the opposition may be more technologically savvy than them, weakening their case, putting their client in jeopardy, and potentially embarrassing them. No lawyer wants to come in second place when it comes to evidence admitted at trial, and the right trial presentation software package can help assure that he doesn't.

Marketers of trial presentation software are in a strategic position which allows them to educate lawyers about how trial technology can help them effectively present (and ultimately win) a case.

2. Inertia: How to make the decision easy for them

Inertia is a term that describes the tendency of a physical object to resist change. Nowhere is inertia more present than in the legal world, where that status quo is alive and well and change is looked upon with suspicion. In a word, inertia has made many lawyers <u>complacent</u> when it comes to technology.

To get the sale, legal technology marketers must overcome complacency and make it easy for lawyers and law firms to make a decision. Getting the "buy in" is essential, but how is this most efficiently done?

- **Do your homework.** Begin by asking legal decision makers the right questions – inquire about the size of the legal department, the areas of law in which they practice, the level of their technological expertise, and what their most pressing needs are.

  Is time being wasted due to inefficiency? Consider relating this scenario: Six minutes of wasted time each hour adds up to 48 minutes each day, or 4 hours each week. By eliminating this wasted time, a law firm will be able to capture an extra 200 hours per year. For an attorney who bills out at $250 per hour, this accounts for about $50,000 over a year's time, for just one lawyer. By increasing everyone's productivity by just six minutes per hour, a firm can also increase its revenue without asking anyone to work additional hours. A win for the law firm, the lawyers, and the clients.

- **Provide a white paper.** Regardless of specialty, lawyers have one thing in common – they get most of their information through reading. And reading white papers can

have powerful influence over their buying decisions: According to white paper guru Michael Stelzner, 84 percent of businesses find white papers to be anywhere from slightly to extremely influential when it comes to purchasing decisions. "That White Paper Guy," Gordon Graham, recommends that white papers be used early in the sales cycle to help prospects visualize a possible solution to a nagging problem. Although white papers used to be written specifically for IT professionals, many less technical people are now involved in buying decisions. These people want to read a white paper written in plain language that explains benefits that are backed up by facts and arguments. Lawyers are those kind of people.

Legal technology decision makers want evidence that you understand their problems and can offer solutions. An effective white paper for legal technology outlines the product, what it will cost and how it will save them money; explains features such as how the system can be customized to meet individual needs, and gives information about the training and ongoing services that will be provided. Present the features and benefits as solid evidence that a lawyer will understand, and objections resulting from inertia can be overcome.

- **Build a relationship with a point of contact that has the ear of the buyer.** Most often this is a paralegal or legal assistant. Although paralegals may not be the final decision makers regarding legal technology purchases, lawyers rely on them to bring order to their cases, and paralegals are most often the ones who will be using the technology on a daily basis.

  In his article, *Did You Buy the Wrong Case Management System Software?*, Andrew Z. Adkins III, director of the Legal Technology Institute at the University of Florida Levin College of Law, stated that if a law firm wants case management software implementation to succeed, someone in the firm must be willing to take ownership of the project. A person who is technologically savvy, interested in the venture, and has the clout to help get the buy in – a champion of sorts.

  How about a senior paralegal?

  While lawyers focus on the big picture, the details typically fall to the paralegal, who is often the only one who truly appreciates what technology can do for a law practice. These valuable allies should not be overlooked– every legal marketer needs a paralegal in his corner to get the sale.

- **Create an event to get your product or service in front of the decision-makers at law firms and corporate law departments.** This could be an offsite meeting, a video or telephonic conference, a seminar, or a simple PowerPoint presentation in the firm's boardroom. The purpose of the event is to get the decision makers to focus solely on the matter at hand: legal technology. This type of event is often exactly what is needed to eliminate distractions and complacency, and move the sale forward.

  Marketers should take sufficient time before such an event to uncover the organization's most pressing needs, and tailor their presentation to address those issues, always allowing ample time for questions. Remember, they've already got

computers, email, word processing, and billing software – if it's not working, they want to know what will work better. No one is quicker to spot a "boiler plate" presentation than the members of a seasoned legal team.

- **Keep following up.** Due to budget cycles and busy schedules, the decision could be weeks or even months in coming. A friendly phone call or email message delivered once a month will keep you on their radar screen without being annoying or bothersome.

    When lawyers are considering several different legal technology products, a demonstrated commitment to ongoing customer service can go a long way in making the buying decision that much easier. Who better than a lawyer to recognize good customer service?

3. IT and Law departments: Getting them on the same page

Because IT and legal departments come from two distinctly different worlds, it often takes two different approaches to get them on the same page regarding legal technology.

According to a March 2012 survey by Garner, Inc. and ALM, chief legal officers said they need more interaction with their chief information officers to get their business needs met. Few organizations have dedicated legal IT support teams to help satisfy the increasing legal department demands for data storage, protection, and archiving capabilities. Better communication allows legal departments to gain greater satisfaction with how their IT department implements and supports legal-specific technologies.

A December 2012 Deloitte poll of nearly 1000 business professionals from various industries revealed that although over one-third of the corporate legal departments and IT teams surveyed said they are working to improve communication, only eight percent really believe that the two departments completely understand each other. Nearly 20 percent felt that their organizations' IT and legal teams do not collaborate well at all.

While the legal department is driven by policy issues such as compliance, privacy, and reducing costs, the IT department needs to be assured that the policies developed and purchases made can be realistically executed. A worst-case scenario occurs when the legal department makes a technology purchasing decision independently and then hands it off, after the fact, to IT.

Marketers of legal technology need to keep both the legal department and IT in the loop, but how can this be done?

- **Meet with each department separately as well as jointly, and prepare a separate report for each.** For the legal department: Include product benefits such as ease of use and how it will streamline workflow, flexibility, potential customization, information about training, and a cost sheet that specifically details exactly what they're getting and what it will cost. For the IT department: Offer

technical details, including a complete listing and description of the software and services, as well as a description of the implementation services, assistance, and training, software maintenance and support, and the system's potential integration with other software programs currently in force.

- **Offer onsite user training for both IT and the legal department.** It is important not to exempt or exclude staff from either department from this training. If necessary, set up special training for employees with scheduling conflicts or those desiring separate training. The more people who understand the technology and how it works, the better for all.

- **Offer a post-implementation review.** The first few weeks after the technology has been implemented are critical for both IT and legal departments, and questions will undoubtedly arise. Consider offering live or interactive online sessions on a scheduled basis to identify potential issues and areas for improvement. This "check-up" may prove extremely valuable in the buyer's long-term happiness and success with the technology, and increase the likelihood of referrals and future purchases.

Looking for better results?

Now that you know all of this, if you could alleviate competitive confusion, what would that mean for your bottom-line? If you could solve the problem of inertia, would your sales improve? And if you could get IT and legal departments to work together, what would that do for your ROI?

Only a copywriter with a legal background who has observed this decision making process would know what these buying obstacles are…

One who has used legal technology and knows the impact it can make. One who has been in the courtroom helping to present the evidence. One who's been involved in exactly such purchasing decisions. One who knows what it takes to get the sale.

For copywriting that speaks to legal decision makers, contact Jan Hill, a legal copywriter who comes from that world.

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