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# errors and Omissions

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## What clients really want from their lawyers

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Recently, I took a business trip on a big-name airline from Toronto to Vancouver. I arrived there safe and on time, but I swear never to use the airline again.

The plane had a brief midroute stop and took on supplies. The airline asked those passengers continuing on to Vancouver to stay on the plane. My seat was near the service door, so I got a 10 minute surge of cold air while the ground crew loaded the supplies. I soon felt like an icicle and asked for a blanket to keep warm. The flight attendant refused, reciting some obscure regulation about blankets when the plane was on the ground.

I returned home with a cold. Guess who got the blame? The airline did not supply the service I had a reasonable right to expect.

### Client-Driven Systems

When my thoughts turn to clients' expectations and their satisfaction with most legal services, I remember this experience. Most lawyers pride themselves on the quality of the services they deliver to their clients, yet many clients are no longer loyal; some are downright unhappy and others are even hostile. Why? They don't define quality the same way we do. There is a

huge difference. The disappointments clients experience and express come from this difference.

Astonishingly, many surveys show clients' unmet needs and expectations infrequently have to do with our competence. My complaint to the airline had nothing to do with its technical competence. Karl Albrecht in his book *The Only Thing That Matters* describes what happens when we let our technical competence take precedence over people's service needs:

You'll find systems craziness whenever there's disparity between what the customer has a reasonable right to expect and what he or she actually experiences. This occurs when the systems aren't compatible with the customer's experience, or when the systems are operationally driven, rather than customer-driven.

Habitually, client dissatisfaction flows from our insensitivity, real and perceived, to clients' needs. Clients see lawyers as insensitive people who show little respect for their views.

Today, whether we are clients, patients or customers, we want value and quality when we buy services and products. To meet this demand, some lawyers have begun a process of defining quality from their clients' perspective. They are taking their cues from the total quality management (TQM) movement that is sweeping the industry. TQM teaches that customer feedback is not only essential but is an obligation of business. We're at long last

asking our clients what they think and using what we learn to measure and plan how to serve our clients better.

We now know our value package must include competent legal work, but equally important, our clients must perceive it as such. Thus, our first obligation is to know what our clients need and expect. A lawyer must go from "How can I apply my legal talents to solve this problem?" to "How can I respond to the needs of my clients?"

Lawyers can get isolated doing what they like, not what clients like. The client message is clear: Change the professional-oriented process you use to run your law firms to a client-oriented process. We can start this process by applying what some client needs and satisfaction studies tell us. These studies challenge us with this question: "Why can't lawyers make people feel good about our system of justice?"

I have analyzed some of these surveys. Here is what they tell us our clients want.

### The Big 10 Needs

1. *"Listen to me, please."* Clients will tell us what they expect and need, if we really listen. Many clients feel intimidated by lawyers and the legal process. Our legal jargon often adds to their frustration with a process they don't understand.

"I don't want my lawyer to think I am questioning his judgment," said Brian, a friend of mine caught up in a





contract law suit. I carefully listened to what Brian had to say. It was clear his lawyer failed to meet Brian's need for a detailed explanation of the legal process required to settle. "He does not speak my language," Brian explained.

We need to refine our listening skills because it's the best way to assess a client's needs. Kevin J. Murphy, in his book *Effective Listening*, tells us how to listen.

Listening is not the simple ability to decode information; it is a two-way exchange in which both parties involved must always be receptive to the thoughts, ideas, and emotions of the other. To be an effective listener, one must not only open the lines of communication and relax; one must compel others to do the same.

Clients may hire us to talk, but first we must listen, and listen hard.

**2. "Don't forget to ask me what I think."** Not a new idea, but unfortunately studies show few lawyers ask their clients' what they think. Legal minds don't think clients can know what they need when needs require legal solutions. But clients believe otherwise, and it is a belief we can turn to our advantage because it helps make services more cost-effective. It also leads to better client outcomes.

**3. "Don't belittle or reject my concerns."** Brian is a very nervous individual who worries that he may be a poor witness. His lawyer tells him it's nothing to worry about. This is not good enough because it is a dismissal of Brian's concerns. Courtroom life may be routine to you, but it's not for most clients. Brian's concern underscores the importance of client perceptions, not just lawyers' perceptions, in delivering quality legal services.

Brian's lawyer must support his anxiety and find a way to address it. Perhaps he could invite Brian to attend another trial with him. The lawyer must show, "I care about your concerns and I'm here to help," Murphy writes. "There is no greater compliment than demonstrating interest in another human being."

**4. "Don't treat me like a file; treat me like a person."** Lawyers collect facts about their clients instead of information about people. Client-mat-

ter data are a good example of how firms focus their systems on files and not people. Lawyers don't use their client-matter forms to elicit information to try to understand the people side of clients. This must change. It's more important to know what kind of client has a legal problem than what kind of legal problem the client has. Clients continually remind us of this principle.

I sent a client off to a large law firm for advice on a specialized matter. The next time I saw her she told me she got good legal advice, but she made this observation: "I wish he had not assumed that by reviewing the facts of my file and applying his judgment he knew me. I was only a file and the next case on his calendar."

This observation is a recipe for improved client relations, but we continue to ignore the ingredients. Instead, we use our own bland ingredients. Clients want us to add courtesy, sensitivity and respect. We must learn to treat each client as if he or she is the only one we have.

**5. "Speak to me, not at me."** Clients sometimes feel their lawyers treat them as if they're really not present. This lawyer attitude increases the more specialized lawyers become. Clients tell us, and good communication skills dictate, that we should avoid our legal jargon when we speak to them.

Many lawyers are impatient to get the facts; they just hand out solutions. They tune out the clients. They stop looking at their clients.

**6. "Tell me how much you will charge for your services."** Clients don't always appreciate that justice can carry an expensive price tag. But they at least expect us to put a price on the tag. Without price tags, legal fees become a real source of client discord. Most clients, like us, live their lives under the mantle of budgets. They want a clear indication of the costs.

Would you commission an artist to do a painting without a price? You can bet your law degree you would not. To clients, legal bills always seem too late and too large, and the time spent and the work done too vague. The solution is to establish a clear fee structure and put it in writing.

**7. "Be available when I need you."** Clients fret and worry about their

legal problems. They need our guiding hand, and when they telephone, they expect us to talk with them. Clients love lawyers who make themselves readily accessible to answer their concerns.

**8. "Don't tell me how smart you are; show me."** Clients expect us to be knowledgeable, but they want us to know how to talk about their legal issues in language they can understand. They expect us to explain the available options. Corporate clients and other specific industry clients want us to know their business. "Give me explanations I can understand. If I ask many questions, don't get defensive. I'm just trying to understand."

**9. "Keep me informed."** Clients want to know what is going on. Keep them informed regularly by letter, telephone and personal contact. Good communication with clients helps create rapport. Keeping clients informed, one study found, is the Number One need clients express. The satisfaction of clients jumps when they feel part of their legal care. Clients have the right to all the same information their lawyers possess so they can make the right choices.

**10. "Let me know how much you care."** Lawyers like to do battle with their intellects, and most enjoy devising ingenious arguments. Often clients become mere spectators in this process. We should paste this cliché on every client file: "People don't care what you know until they know that you care."

The legal process can be intimidating, so clients want to know their lawyers are available to help. Always ask, "How would I like a lawyer to treat me?" The treatment may be a simple telephone call to ask if the client has understood your advice. Caring is important to clients.

These are their needs, and when you come through, clients will know you gave them good value for their money. Value comes from satisfying clients' needs. Thus, we have to understand what our clients consider value. We have to communicate this value. And we have to deliver this value.