

Definitely Mabey

Communication, communication, communication

The recent CBA Futures Report, "Transforming the Delivery of Legal Services in Canada," identified the following deliverables that clients were looking for from their lawyers:



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- value and predictability (lower cost and cost certainty);
- clarity, transparency, and familiarity (clearer information about the process and use of familiar technology);
- competence and experience (results);
- involvement (interactive process);
- respect (mutual partnership v. authoritarian approach);
- disaggregation (discrete legal task/services);
- speed (efficient handling); and,
- convenience and availability.

So why must law firms change the way they deliver legal services?

The philosophical reason is, for too long, lawyers have convinced themselves that there is a mystic quality to the profession that somehow renders it immune from the laws of business gravity!

The pragmatic reason is the service sector is the largest part of the economy and as such is facing increasing amount of competition, both traditional and non-traditional, and margin pressures. At the same time, the high-end work is becoming more and more commoditized.

But the best reason is because clients are telling you that you are not really unique and many are not achieving to the client's satisfaction (remember the Golden Rule: he or she who has the gold rules) on the above deliverables and this has to change! And change now!

Lawyers have to begin looking at service value proposition from their client's perspective. To do this, lawyers must follow three simple steps:

- **Understand clients' and objectives:** work with the client to develop a full understanding of their needs whether personal or business and establish time specific goals and objectives that meet their needs.
- **Provide value through creative and timely service:** provide them with the highest quality of confidential, ethical legal services including delegating work to others who have the legal expertise and experience appropriate to both the nature and complexity of the matter and our understanding of your expectations. Where appropriate,

designate a qualified lawyer as an alternative service contact to ensure continuity of service when the lawyer responsible for their matter is not available. Develop practical fee estimates.

- **Maintain effective communication:** maintain effective channels of communications including keeping clients informed of all significant developments in their legal matter and responding to their contact in a timely fashion. Always be receptive to client feedback on billing practices and if issues arise, treat them seriously and respond promptly. If clients express dissatisfaction with your services, ask that they call the partner in charge of managing the firm.

A lot has been written about the loss or erosion of client loyalty and while I would acknowledge that clear cases of this can be found in a number of industry sectors, equally prevalent is a loss of trust caused by lawyers' actions (and inactions).

While penetratingly obvious, lawyers need to remember the following about client trust:

- trust must be earned;
- trust must be built over time;
- trust can be abused;
- trust can be exploited; and,
- trust lost is impossible to regain.

Warren Buffett said it as well as anyone when he pointed out that: "It takes 20 years to build a reputation and only five minutes to ruin it... think about that and you'll do things differently!"

"It takes 20 years to build a reputation and only five minutes to ruin it..."

I strongly believe the challenges being experienced in client loyalty, trust, pricing, and myriad other ills/woes facing the legal profession could have, if not been stopped, certainly been reduced if lawyers had not forgotten, or at least moved away from, the three pillars of the profession: communication, communication, communication.

Nothing has set communications back further in the legal profession than the slavish embracement of e-mail! It is a convenient way of distributing information but that is not the same thing as communicating. If you think about communicating in the context of "the most important thing in communication is hearing what isn't said," as Peter Drucker says, then more lawyers need to use their telephones more frequently than their keyboards.

Four keys to remember about communicating effectively are:

- **Active listening:** ask questions but listen to the answers and summarize responses to show you were listening;
- **Clear and direct:** sermons and soliloquies do nothing but cause the other party to tune out;
- **Non-verbal:** facial expressions and body language are often heard louder than your words; and,
- **Stress and emotional awareness:** always step away if you see your message being sidetracked by the stress or emotions being felt or demonstrated about the communication.

Until next month, as George Bernard Shaw said long before e-mail came to be such a factor in everyone's personal and work life:

"The single biggest problem in communication is the illusion that it has taken place."

Comments or Questions?

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