

Mind Your Matters

Too few clients are happy with the service they get from outside counsel.

BY FELICE WAGNER

Marketing

A new study by the BTI Consulting Group of Boston confirms what most of us have been hearing and saying for a long time: Many clients are dissatisfied with their law firms. In a study of Fortune 1,000 companies, the report concluded that only 24.7 percent of Fortune 1,000 clients are satisfied with their outside law firms and would recommend them to others. Among the 75.3 percent of clients that are unsatisfied was one that said, “[The primary law firms] do just enough to enable us to barely tolerate the service levels.”

The finding that a minority of clients are satisfied with their outside counsel should come as no great surprise to firms and their lawyers. The BTI report also confirms that what distinguishes one firm from the next is not legal expertise, which is assumed. What counts most, according to the satisfied clients in the survey, is *service*. The report concludes:

The winning firms will have well- designed and orchestrated uniform client service delivery processes that govern most aspects of their service delivery and business development. . . . Uniformity drives down costs while improving quality. It also imposes more strategic discipline and presents a uniform look and feel to clients, something clients are just starting to look for. National account and key client programs will drive success, as will training and the ability to successfully develop and introduce new services that anticipate client needs.

So how do you create uniformity across offices and practice groups? First, you need an effective strategy for managing your matters. Matter management, a fundamental element of all good client-service programs, is a systematic approach that lawyers and other members of their firm use to:

- Put the client at ease during each matter and make the process as simple as possible;
- Discover what the client wants to accomplish on each matter;
- Manage client expectations;
- Determine how the workload will be divided between the client and the firm;
- Establish fee arrangements that incentivize the right behavior and that properly balance client satisfaction with firm profitability;

- Establish clearly defined and measurable performance standards that are tied directly to the client’s objectives;
- Keep the client fully informed throughout the engagement;
- Notify the client of any changes in scope and seek approval when appropriate; and
- Debrief the client immediately after the engagement to determine what went well and what you could have done better.

Why is it so important to have a management plan for each engagement? Because what you do before, during, and immediately afterward forms the basis for the client’s assessment of your service. And, looking forward, it is far and away your best sales tool. Perhaps Ralph Waldo Emerson was speaking for law firm clients when he said, “What you do speaks so loudly that I cannot hear what you say.” Simply put, if you become good at matter management, your actions will do the selling for you.

What does good matter management look like? Here are some key elements:

1. Custom Design. Although you want a standardized approach, a one-size-fits-all approach to the details will not work. There are simply too many practice areas, industry groups, personality styles, and experience levels. Instead, like a well-tailored suit, effective matter management starts with a common structure and ends with a personal approach shaped to fit your particular circumstances. Who are your clients? What do they value? What do they want to accomplish and when? How are you going to help them? How are you going to measure success? How are you going to communicate? These are the general questions. The way you get the answers and execute your plan should depend on your particular circumstances.

2. Support of Firm Leaders. Individual attorneys and isolated engagement teams can unilaterally improve their matter-management skills. However, if the goal is to raise the bar of service delivery throughout the firm, the best results can only be achieved with the support and active involvement of the firm’s management. This means being involved in the planning, implementing, evaluating, and refining, as well as communicating the importance of effective management throughout the entire process.

3. Beta Test. Nothing works right the first time. That’s why software developers beta test and why lawyers should too. Start with a particular practice or industry group and a handful of receptive clients. Make it clear that this is a beta test and encourage active

participation and feedback from everyone involved—clients, associates, partners, and staff members. Believe it or not, your clients will appreciate and enjoy being involved in helping you improve your service to them.

4. Keep It Simple. What works in one practice group may not necessarily work in another. An attorney with a transactional practice will probably use a different approach than a litigator. Provide a simple skeleton outline and let your attorneys, their clients, and their experiences add the meat.

5. Give It Some Slack. Even when you think you've debugged your process and made it work for your practice or industry group, don't make it so rigid that attorneys can't use their creativity to make improvements. Also, remember that many forward-thinking clients might already have a preferred approach to at least some aspects of the matter-management process. For example, DuPont has a well-defined approach to early case assessment that it uses as a tool to proactively reduce the size and cycle time of its litigation docket. Your clients may have similar tools that you should use in working with them.

6. Measure Results. Once you've got your new approach under way, look back to see how far you've come. How long was your typical matter cycle time? How many billable hours did you write off due to improper communication or subpar performance? How soon after your first engagement did your average client come back for more? What was the dollar value of this repeat business? The answers to these and other questions will serve as the baseline from which to measure the results of your efforts.

7. Share Best Practices. One of the best ways to raise the bar throughout the firm is to find success stories and share them with the rest of the firm. The growing use of intranets and applications for client relationship management make this easier and more important to the success of your firm than ever before.

Encourage people to share their innovations. Post matter-management plans on your firm intranet and discuss new approaches at meetings and in firm newsletters.

8. Reward Participation. Giving attorneys the room to innovate and providing them with the tools they need to easily share their successes with others does not necessarily mean that they will. As noted above, active involvement by firm leadership is critical. Smart firms are finding creative ways to add knowledge-sharing incentives to the compensation mix, as well as publicly recognizing and rewarding positive behavior.

9. Institutionalize It. Add matter management to all new associate and lateral training. Team a new lawyer with a matter-management veteran to facilitate knowledge transfer, modeling, practical application, and constructive feedback.

10. Sell It! Consultants and the multidisciplinary practices that law firms compete with figured out the formula a long time ago: Standardize your approach, accumulate success stories, package your methodology, and use it to differentiate yourself from the competition.

You can talk about "client service," but what you actually do about it matters more. The right approach to effective matter management will focus your firm on the issues that are most important to clients and ensure that all the firm's clients receive the same high level of service. Giving clients what they really want will solidify your relationship and become your No. 1 sales tool.

Felice Wagner, a former practicing attorney, is CEO of Sugarcrest Development Group Inc. Her Washington-based firm gives seminars and training programs throughout the country on business development and client loyalty. She is also program chair of the Legal Marketing Association's Mid-Atlantic Chapter. She can be reached at (202) 462-7046 or felice@sugarcrest.com.