How am I doing?

Law firms need to stop talking about the importance of client feedback and start actually asking for and then really acting on it.

BY AVA CHISLING

It's hard to understand why it has taken so many law firms so long to start asking their clients for feedback. One theory is that historically, lawyers believed their clients wouldn't understand the services they offer so how could they possibly provide feedback on such "complicated matters?" A second related theory is that client feedback is not proper for professionals. It is for the truck driver with the "How am I driving?" sign on the back of his vehicle or for the customer satisfaction survey at the local burger joint.

However, as clients started spending fewer dollars, a new economic reality set in for law firms. Clients now demand a lot more for a lot less and if you're not willing to accommodate their requests, someone down the street or one floor up from you will. This intense competition for new business and the need to coddle current business have led many firms to ask their clients one very simple question: "How can we serve you better?" As Liette Monat, president of Liette Monat Stratégies d'affaires Inc. in Montreal, says: "It is time to bring down the silos. Companies that change will see results. Companies that do not will die.

"Marketing is more than organizing a cocktail party," says Monat. "It means listening, understanding, and finding the right fit with your clients." And yet, lawyers are still afraid of feedback. "They know their clients will touch upon issues they are not willing to address and these issues can be intangible. If the client says, 'I feel taken for granted,' the professional does not know how to handle that, and arguing with them is not the appropriate answer. That is why when we coach and train, we open that kind of communication with clients."

Richard Stock, founding partner of Catalyst Consulting, says opening up is not easy for lawyers. "They are relationship-based professionals. Feedback in a formal sense is not often done because it is obtained through the relationship, on a one-on-one basis. The idea of incorporating formal feedback mechanisms is not something individual partners know an awful lot about, unless they are running the firm." Catalyst Consulting specializes in the economics of legal departments and counts among its clients McCain Foods Ltd., Bell Canada/BCE Inc., Bombardier Inc., TD Bank Financial Group, and Petro-Canada. "Typically firms conduct surveys because someone has an idea and he or she needs ammunition," says Stock. "Partners never believe each other but if a bunch of clients say something consistently, that may save them two years internally."

When you call John Young, managing partner and 35-year veteran of Boyne Clarke in Dartmouth, N.S., he answers his own phone. He also returns calls within 24 hours if he is out of the office, and on the same day if he is in the office — as does every one of the 40 plus lawyers at his firm. He knows the importance of listening to his clients and he has a multi-tiered plan of action to make sure he does.

A mid-sized firm, Boyne Clarke uses multiple methods to compile information, including sending a feedback sheet from the firm itself (not from the lawyer involved) to all clients once the mandate is complete. Clients are asked to fill it out and return it, postage-paid. They can also send it back anonymously. Young's firm has someone on the management committee who is responsible for complaints, giving clients direct access to a person in charge. The complaints manager evaluates negative comments, speaks with the lawyer involved, and meets with the client, if required. "The one area where we all fall down is explaining what it is we do," says Young. "One client in a written evaluation asked why he was charged so much for one letter. Well, it wasn't one letter. It was half a day of research but all he saw was the letter. The public doesn't always understand exactly what we offer as lawyers. They understand doctors better because they see the equipment. He listens to your chest. He gives you a pill. He makes you stand on a scale. But what do we do? We just sit there and look at you."

In addition to the feedback sheets, several of the partners regularly meet with clients in person at the firm's cost, and every four to five years, Young hires an outside firm to survey a percentage of his clients. "We'll choose to survey 10 clients from the service industry and 10 from the finance industry, for example. We survey big and small clients," says Young. "And once our feedback is compiled, we have someone objective call the clients. We also hold 'lunch and learns' about once a year with all our lawyers." Young uses the data compiled by the outside public relations firm as a sort of branding exercise, a way to maintain and strengthen his firm's reputation within the community, and to see how his company is doing overall. "Our marketing and executive committees analyze the information. General comments go to all partners and then to the full firm. There is no sense in compiling all the information if you are not going to use it as a management tool and to educate people as to what clients think or don't think about you."

Borden Ladner Gervais LLP is one large firm that has invested a substantial amount of time and money in a multi-layered system of client feedback, using both formal and informal methods. Simone Hughes, the firm's chief marketing officer, admits "everybody is scared of feedback. We don't always like to hear the bad. But the best lawyers and the best rainmakers are those who listen to the negative feedback and use it to get better. It's like *American Idol*. When you listen to Simon Cowell, he is real. He doesn't just say bad things to be sensational. He gives the people what they need to get the job done. This is the same thing."

Hughes believes lawyers and professionals in general "are no longer perceived as gods or know-alls. There are many choices and clients can't differentiate between the top law firms. They provide relatively the same services. So if you can get a competitive edge by learning how to do things better and not accepting how things were before, you become more valued with more clients and therefore more money."

The way BLG compiles information ranges from quite simple to the very complicated. To start, there is the problem of logistics. "We have thousands of clients. We cannot meet or even call them all," says Hughes. "However, all lawyers are supposed to ask how they are doing in their day-to-day affairs. That is level one of the process: Just ask!" That describes the simple way to gather information. Then there is the not-so simple, one-on-one phone or in-person formal audits in which at least two senior partners, who are not on the account, will meet the client or arrange to speak to him or her on the phone.

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This is done nationally and organized in-house. "We parcel out and rank our clients over a three-year plan," says Hughes. "And if a client is deemed at risk, we will add it to the mix in order to better understand why those revenues are dropping off." The formal one-on-ones are done year-round and are conducted at a rate of about one a week. "We are aiming for two, but we have to bill hours, too!" says Hughes.

BLG also developed a 10- to 12-question informal survey, used most often by practice groups. And soon the firm will commission an electronic survey by an outside company. The results of its client feedback are analyzed by the competitive intelligence section of the business development team. "They consolidate the information and make the trends, high points, and alerts available to the firm so everyone can learn and improve," says Hughes.

Stock describes other ways in which firms obtain feedback, including setting up a client advisory committee and offering free seminars to groups of clients. "When you look at [Osler Hoskin & Harcourt LLP's] web site, for example, you can subscribe to about 20 publications and other resources. By doing so, you are telling them the kind of information you're interested in receiving." And like BLG, Stock places a high importance on the one-on-one interviews. "Your managing partner should visit the top 25 clients twice a year for an hour. So let's say 50 hours per year. That's nothing. They probably waste more time in dumb internal meetings. Going on the road is more fun, and this feedback is hugely rich because it is real, not theoretical."

Consultant Morat, who is often asked to coach lawyers from one year before becoming a partner through many years of partnership, describes what it takes to get firms on board. "First there must be an agreement at the highest level that this is a change they are willing to make. Once management agrees that the team should improve their relational and business skills, then I can work with them. The firm also has to be willing to punish unacceptable behaviour." Morat is a big supporter of the "just ask" approach. She advises professionals to sit down with their clients on a regular basis and ask questions; to put their pencils down and actually look at them. "Tell them you want their comments on how you work together. And most of all, ask them how can you improve the relationship."

Stock believes "90 per cent of people in firms have to work at getting business and it has nothing to do with expertise. It has to do with competition, finding the kids, and in the past two years, there are more good lawyers available for less work. This has made people far more attentive to being client-centric, in different ways than they used to be. And whether this is codified and systematized across the firm, I don't think we're there yet, for the most part." He adds: "I think fewer than one in 10 clients receive a formal annual survey from their law firm. I'll bet it is even less than that." In fact, 72 per cent of respondents in *Canadian Lawyer*'s most recent corporate counsel survey say their law department had not been asked in the last year to complete a written, over-the-phone, or in-person client satisfaction survey.

Ridout & Maybee LLP is a firm that does not have a system for formal feedback. It relies on the traditional "just ask" formula and encourages lawyers to visit their clients. Says Ottawa-based partner Janet Fuhrer: "It is uncomfortable for lawyers to ask for feedback. There is an assumption that no news is good news. And sometimes it can be a problem choosing which clients to target for a formal feedback process. Partners can squabble over why one client is chosen and not another. As an IP firm, we have frequent and long-term contact with our clients, so our feedback is obtained informally."

Fuhrer believes the informal approach is a more natural way for some firms to get feedback. "It's all very well for a firm to have policies on how things should be done but the reality is that each professional has his or her own personality and

Tips for successful client feedback

- Use a mix of formal and informal methods to obtain client feedback. This ranges from having the lawyer on the file ask how the client is doing to one-on-one hour-long interviews by a senior partner.
- Have at least one senior partner contact the top 10 to 20 per cent of your clients every year.
- Develop a three- to five-year plan on how and when all clients will be contacted.
- Making use of the answers is the easy part. Take the time to formulate the right questions.
- An in-person client interview by a managing partner is the most effective way to obtain client feedback because it is direct and removes the emotion that may exist between the client and the lawyer on the file.
- Be prepared to hear things you don't want to hear. And then work on how to improve.
- Turning your meter off is a great way to let clients know you are more than just a lawyer to them.
- An analysis, without recommendations, can cost less than $25,000 when conducted by an outside company.

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their relationship to the client is very personal. It is easier for us to get informal feedback, and the fact that our clients come back to us is a good indicator as to how they feel about our service."

Most consultants and firms are likely to agree that clients appreciate being asked. Martine Turcotte, executive vice president and chief legal and regulatory officer at Bell Canada, has provided formal feedback to roughly three out of the six firms Bell uses on a regular basis, including McCarthy Tétrault LLP. Turcotte says the firms come to see her annually, but "if we're really unhappy, we don't wait for them. We tell them right away. If something doesn't work, it has to be raised early on. That is part of good communication."

Turcotte is very much in favour of annual audits. "They allow for a more long-term relationship discussion. It is important to tell them the good and the constructive. It is good for the firm to hear it as it is." However, she also believes in informal feedback, either quarterly and after every mandate is complete. "Communication is of the essence. We want to give our views on the billing, for example, and what worked and what did not. We owe this to each other in the relationship, just as I would do with my staff." She also says these evaluations are not a one-way street. "There are times when we could have done things in a different way. We need to learn from them as well. It is a dialogue."

Whether you employ a formal or informal system, the cost of obtaining feedback depends on how complex the answers are. There are no real technical or financial barriers to gathering this kind of information, according to Stock. You don't need experts to set up basic surveys. "Simply pre-select clients that you need input from and aim for 70 per cent compliance." Once you have the data, it has to be analyzed to see if there are issues, trends, and opportunities to be had. "It takes a couple of days to interpret the information," he says. "It can be done internally or by a smart consultant. The real art is in the design of the questions and the conduct of the interviews. The analysis is easy after that."

A firm can have a good analysis conducted by an outside firm, without recommendations, for under \$25,000, says Stock. An analysis tells you what the data is and what it means; recommendations tell you what to do with the information. As BLG's Hughes puts it, "We don't call [asking for feedback] a cost; we call it a non-billable investment in our clients."

Says Mocat: "Value for the client is not giving them more copies of their contracts. They want you to be their adviser and confidant. They want to feel like if they are struggling with an idea, they are able to talk to you for 10 minutes without the meter running. So instead of investing so much time and money in totally useless public relations and marketing activities, invest that money in this kind of relationship. Invest one hour of your time to have lunch with the client. Yes, a *free* lunch." ■

Tips for [illegible]

- Make someone at your firm responsible for complaints and make sure all clients know how to reach this person. Doing so allows people to feel like they can communicate with someone in charge without jeopardizing the relationship with their lawyer.
- When every mandate is complete, send clients a questionnaire from the firm itself and not from the lawyer involved. Allow them to answer anonymously, if they prefer.
- Set up a client advisory committee, hold free seminars, and have clients register for your publications online. All of these are easy to do and lead to great client feedback.
- Not all surveys cost a lot of time and money. Create questions you would most like to know the answers to and put them online. Then send an e-mail to clients you want to reach and invite them to complete the survey.
- Make certain the information you gather is shared with everyone at the firm. Otherwise, changes will not be made at all levels.

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