

# Walking The Walk: Real Client Service In An Age Where Talk Is Cheap

So many talk the talk. “Client-focused.” “Partnering with our clients.” There are, to be sure, a dizzying array of mantras used by law firms to persuade clients and prospects that the firms are now putting

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clients first. There is little question that lawyers have learned to talk the talk. The challenge for clients is to determine if the firms have learned to walk the walk. If clients want to separate the talkers from the walkers, they cannot rely on the mantras. They must undertake some fundamental due diligence.

You might have noticed that I said due diligence was necessary “if” clients wanted to identify those firms that truly were client-focused. There is some evidence that the accepted maxim that all clients are extremely interested in quality service and partnering (in addition to high quality work) is not so. According to one survey, only 60% of the surveyed General Counsel are satisfied with the quality of service they receive. Other survey results suggest the number of dissatisfied inside counsel may be even higher. Yet despite this large “satisfaction gap,” it seems that few clients are shifting to new counsel. Inertia, it seems, is a powerful force.

The purpose of this article, however, is not to analyze why clients choose to stay with firms that do not provide superior service. Rather, I thought it might be useful to posit some questions that inside counsel might ask that could shed light on whether a law firm is actually walking the client service walk.

## 1. How many times a year do the firm’s lawyers gather to listen to clients or prospects speak about service issues?

How important can client service really be if there is no institutional insistence that the firm listen to the consumers of their service in a formal setting designed to focus on this critical issue? If the lawyers aren’t meeting to hear what you and your colleagues have to say, the

firm is likely giving client service only lip service.

## 2. How does the firm communicate notions of “exceptional service” to its lawyers?

Few people aspire to be average. Yet what it takes to be exceptional is not part of one’s inherent knowledge base. If a firm is not investigating what it takes to set the service bar at a high level, no one in the firm can know whether they are providing exceptional service. If the firm is not teaching everyone what great service is, the odds are the firm is not providing it.

## 3. What type of client service training is provided to the firm’s non-lawyer staff?

There are, to be sure, lawyers who provide great service practicing in firms that don’t care. But to determine whether a firm’s culture supports great service, ask how the staff is being trained. Firms that focus on great service know the importance everyone plays in providing it. If the staff is not being trained, the firm may not be institutionally committed to providing great service.

## 4. How many client satisfaction surveys does the firm conduct each year? What specific changes have been implemented as a result of these surveys?

It does little for a firm to think it is providing great service if it does not find out whether it is. After all, the client is the judge of service quality. Likewise, if changes are not being implemented as a result of client surveys, the firm may not be listening to what its clients are saying.

## 5. How are a client’s criticisms received?

If a criticism carries a penalty, the wrong client service environment has been created since some will have a vested interest in not hearing the criticism. Criticism must be viewed as an opportunity to improve and to strengthen a relationship. Those that do not view criticism in a positive light are missing positive aspects of seeking out the client’s assessment.

## 6. Does the firm budget each matter? Does it track performance to budget?

Clients operate in a world of budgets and performance metrics. If a firm only budgets when a client demands, it is bypassing opportunities to become proficient at something of great importance to clients. How “client-focused” is a firm that ignores opportunities to improve its performance in an area of such importance to its clients?

## 7. What type of knowledge management system does the firm have in-place so that the client does not have to pay to reinvent the wheel?

If a law firm is not willing to leverage its “product” for a client’s benefit, it is telling its clients that it would prefer to reinvent the wheel and charge each client for that effort. In such circumstances, how could a client ever conclude that the firm was “focused” on its interests?

## 8. How does a firm determine a client’s views on the “cost-quality” trade-off? Where appropriate, how does the firm judge efficiently-prepared work that is “good enough” but not exceptional?

Sometimes a client or a specific matter requires the highest quality work on every issue. Other clients or matters, however, do not. In those circumstances, some work that is less than perfect is “good enough”—that is, of sufficient quality that additional time to improve the quality is not justified on a cost-benefit basis. This is the client’s decision to make, but there are countless stories of the firm never asking and simply defaulting to “quality,” leaving the client surprised when the invoice arrives. It is worth asking if the firm specifically addresses this issue with its clients for each matter. And for those matters where premium quality without regard for cost is not the choice, a client may wish to know how the firm judges the people who will be on the client’s team. If associates in particular are judged on work quality and not efficiency, the firm, from an institutional standpoint, is not communicating a consistent client-first message.

## 9. Is there a minimum billable hour requirement for the firm’s lawyers? Paralegals? Are bonuses paid for surpassing a specified number of hours?

On a theoretical level, the billable hour system makes the firm’s economic interests at odds with its client’s—the firm makes more money if it maximizes the number

of hours its lawyers work on a matter. The client’s interest obviously is to minimize the number of hours needed to obtain a certain result. Much has been written on this issue and the goal of this article is not to further discuss the merits of the billable hour system. But if a firm and client choose to use that system, there may be clues that could be relevant to firm’s client service focus. For example, if the firm’s billable hour requirement is unusually high, there may be an undue premium on hours and added pressure on attorneys to “meet the target.” On the other hand, firms with lower hourly requirements appear to be reducing the pressure to bill simply to “meet hours.” Likewise, it is helpful to know if there are compensation adjustments made based on hours. Some firms, for example, pay “hours bonuses” for a specified number of hours above a target. The heavy institutional emphasis on hours is not necessarily consistent with a client-focus emphasis.

## 10. What fee arrangements is the firm willing to commit to in writing that will align its economic interests with the client’s?

As noted above, the hourly rate system can put the firm’s economic interests at odds with its client’s. Some clients, as a result, ask firms to use other payment systems that require the firm to have “skin in the game.” If the firm is unwilling to commit to such payment systems, the firm is failing to walk the walk of real client service.

There is no scorecard or checklist that allows precise identification of firms that walk the client service walk and those that do not. Identifying firms that truly are committed to client service is like any due diligence exercise—it is a search for clues and application of judgment. Hopefully these questions will help the interested client elicit meaningful information for consideration.

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