

Standards of service

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What do we mean by service?

I started my research for tonight by looking at the guidance to rule 1 in the Handbook. This is what it says about standards of service:

“You must provide a good standard of client care and of work, including the exercise of competence, skill and diligence.”

There’s something missing from this definition of service. Competence, skill and diligence are, of course, important qualities; and I wouldn’t want to remove any of them. However, there is no mention here of those softer skills of listening and empathy, what might simply be called the human touch. Elements of service relating to timeliness, efficiency and transparency are perhaps implicit in ‘diligence’, but this is far from explicit.

These elements of service go a long way to shaping the consumer’s experience of their solicitor, and, by extension, the opinions they form about your profession. The context in which lawyers work – helping people to resolve personal problems where raw emotions are involved, such as going through a divorce, or guiding them through a stressful experience, such as buying a home for the first time – make these incredibly important qualities to have.

I am not here tonight to engage in a bout of lawyer-bashing. However, surveys of consumers, and the caseload of the Legal Complaints Service, suggests that service is the key area where too many

lawyers are letting consumers down. For example:

- The Legal Complaints Service reports that the most common causes of complaint are communication breakdown and delay.
- Research this year by the Solicitors Regulation Authority found that one in five consumers were unhappy with the service they received. The biggest causes for complaint were: the overall time it took; lack of communication; and charges not explained. Issues relating to quality of work or ethics were far down the list of problems.

The Law Society acknowledges that solicitors suffer from an image problem. This really shouldn't be the case, since the core role of those lawyers that most consumers will come across is to help them resolve their everyday difficulties. They make things better. Normally they do so with a great deal of skill and care. I'm happy to acknowledge that, as with most economic activities, the actions of the minority tarnish the image of the majority. But the fact that the Legal Complaints Service receives one complaint for every six solicitors suggests that the minority is not insignificant in number.

A couple of years ago, the NCC published a report called *The Stupid Company*. We concluded that British businesses were harming themselves - and their bottom lines - by turning consumers against them, by providing an impersonal service that lacked the human touch. I see something similar in the legal profession. However, the good news is that this should be easy to turn around. By getting the basics right - returning telephone calls promptly, cutting out unnecessary delay, updating clients on the progress of their case, displaying empathy - solicitors could do much to improve their reputation with consumers.

Changing times

We are living in a time of change. The Legal Services Act has brought institutional reform and I will touch on this later. However, there is also social change which provides relevant context to this evening's debate:

- Social deference and passive acceptance of authority has given way to a better informed

public prepared to challenge received wisdom. This shift is very visible in the medical profession. Previously, doctor knows best prevailed, but now the watchword is a patient-centred approach.

- We are witnessing the rise of consumer power. Consumers are switching energy suppliers and challenging the banks on overdraft charges. They using the Internet to form lobby groups successful enough to force Mars to change the ingredients in their chocolate bars and organise protests against train companies.
- There is an openness revolution. Freedom of information legislation has changed consumers' expectations about what they are entitled to know about businesses. The Legal Complaints Service proposal to publish solicitors' complaint records, which we support, is not an isolated incident, but part of a wider trend among regulators and complaint organisations to open up the information they hold. Consumers are using this information to exercise their market power.

Future legal landscapes

What of these institutional changes? Alternative business structures are set to alter dramatically the legal services landscape. I'm excited and optimistic about the future. The possibility of one-stop-shops promises new ways of delivering legal services designed around consumers' needs. External investment in law firms can fund the technology to change the existing way of doing things.

I want to briefly address the question of whether commercial needs and high quality, impartial advice are incompatible. I'm not fearful as some are, that a rampant pursuit of profit will reduce the quality of work. Solicitors currently hold the whip hand in terms of market share. If the banks and other companies are to make their mark on the sector, then they will need to offer consumers something more than they get now. As the new kids on the block, and with valuable brands to protect, they will need to convince consumers, and their shareholders, that they will offer good quality service. They will be keen not to fall foul of the regulator and damage their reputations.

Returning to this evening's theme, standards of service could be where competition for consumers of legal services is won and lost. Banks and similar businesses are by no means perfect, but they have daily contact with consumers and know what makes them tick. The legal

professions must raise their game in this department if they are to stave off this threat.

Conclusions

I'm pleased that the Law Society has taken advantage of the opportunity provided by the Legal Services Act to re-examine the core duties of a solicitor. We live in a time of change and the legal profession is not immune to these changes. One thing I wouldn't change is that service remains one of the core duties, but there is scope for the concept of service to be understood more widely, and, perhaps, for more lawyers to pay greater attention to this side of their role.

It is important that lawyers provide a high quality of service to consumers, who depend upon you during difficult moments in their lives. The small elements that make up the human touch can make a big difference.

But customer service isn't just important for its own sake. It also isn't just important for consumers. In a marketplace where lawyers increasingly will compete with new rivals who deal with thousands of consumers every day, the ability of lawyers to provide high levels of client care will be linked closely to the very survival of the profession.

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