

FOCUS: Beyond the "Quality" Rhetoric



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It always amuses me when people talk about certain business fundamentals as though they were fads. Many firms, for example, hoped that if they ignored marketing, it might go away. Now, the latest rage is quality, which has law firms asking, "Is this just another fad?"

Quality, of course, cannot be a fad. But in a certain way, I understand what they mean. It is not quality *per se* which they question, but "Total Quality Management"; TQM - with trade-marked, step-by-step programs neatly wrapped up in packages - trivializes quality efforts.

Law Firms and Quality

The disparity between the rhetoric and action on efforts to improve quality frustrates me. In response, I have listed below some of my observations about quality and law firms.

- (1) *Most firms provide excellent quality legal services; it's the quality of the service which suffers.* The quality of the legal services which firms render - advice, results and counsel - is generally quite high, as is the quality of the resultant products - briefs, contracts, leases and letters. But what about the quality of the service? Service most often involves the delivery of the legal services, such as returning phone calls promptly, producing documents by the agreed upon time, being accessible and friendly, or responding to problems quickly. This is where law firms need to let clients determine the standards.
- (2) *Quality is not only in the eyes of the client.* Does every client know a good technical legal service when he or she gets one? Obviously not; many clients are incapable of judging if their contracts are airtight, or their outcomes are extraordinary. Quite often, clients can only recognize technical quality in its absence. So I believe that clients alone cannot establish a firm's quality objectives. The partners of a firm must establish certain

minimum standards of performance which are constantly communicated and rigorously applied through training and internal reviews.

- (3) *A commitment to improving quality must come from the top.* Many firms begin their quality efforts where they can. For example, a firm administrator may start with something in his or her own realm of influence, such as training the support staff. Certainly these efforts will not hurt and probably will help. On the other hand, no change in attitude or culture will pervade the organization until the partners decide and communicate that it is important to them. And this is more often by deeds than by words. Take, for instance, the secretary who wants to help the firm be more responsive to clients. What can she do (or what must she think) when the partner with whom she works doesn't return his clients' phone calls?
- (4) *Sometimes improving quality in one place can damage it in another.* No one would argue that computers have improved the practice of law; it's easier to find information, change documents, check for misspellings, etc. - and all more efficiently. But many law firms have failed to recognize the negative impact that technology has had. For example, some secretaries have been relegated to copying and mailing documents prepared by the lawyers, so they are less familiar with client projects and cannot answer client questions. Or, the lawyers keep their calendars on E-mail which is inaccessible to the secretaries, so they are unable to provide information about the lawyers' whereabouts or availability. The firm must consider all of the ramifications of each change which is made.

Bridging the Gap Between Talk and Action

With these observations in mind, I offer this advice for firms embarking on quality improvement programs:

- (1) *Talk about quality, not "TQM."* As Phil Crosby, author of *Completeness: Quality for the 21st Century*, said, "TQM is a diet, rather than a commitment to wellness." Even a recent report by Ernst & Young found that certain key elements of the TQM movement may provide little or no improvement to the bottom line and may, in fact, harm some entities. Quality means continuous improvements; you will not be able to "finish" this "project." It should be on every agenda and in every plan every year.
- (2) *Get everyone in the firm involved.* One of the constraints among successful quality improvement efforts is that all of the firm's people are involved. Encourage communication among the staff and

lawyers. Put in place some mechanism for soliciting ideas on how to improve the firm, like a joint task force, a suggestion box, or a write-in column in your in-house newsletter. You will be amazed at the good ideas your people have for improving quality and service, from better locations for client coffee services to systems for communicating electronically with clients.

- (3) *Don't bite off more than you can chew.* As with all new efforts in law firms, implementation is the biggest stumbling block. Start with one change at a time - a new procedure to double-check documents before they are filed, or better descriptions of billable work for client invoices - and let people see it is not going away. The Japanese have demonstrated that quality means a never-ending commitment to small improvements.
- (4) *Try to measure your performance and progress.* The most important resource for doing this is a client survey, which asks clients to rate the firm on

various categories identified as important. However, there may be myriad other, simple ways to measure progress, such as phantom phone calls to see how many times the phones ring before they get answered.

- (5) *Remember:* "Quality is never an accident; it is always the result of high intention, sincere effort, intelligent direction and skillful execution."

Sally Schmidt Consulting, Inc. provides services to law firms in the areas of client surveys, attorney and staff training programs, and general consultation on how to be a more client-oriented law firm.

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