



By **Sally J. Schmidt**

## Turning Lemons into Lemonade

No lawyer wants to disappoint a client, but unfortunately it does happen from time to time. Clients may be upset about the way their matter turned out—a negotiation that broke down or a lawsuit that went the other side's way. They may be angry about service-related issues, from a bill that is larger than expected to a missed deadline or an unreturned phone call. They may be experiencing a personality clash with their lawyer. In the worst case, the client may fire—or stop using—the law firm for the perceived or real offense.

Yet as unpleasant as these situations are, it's important to see client complaints as opportunities. Studies show that most clients don't complain at all. They may feel their comments wouldn't make a difference; they may not know how to register a complaint; they may want to avoid a confrontation with the lawyer, or may worry about disrupting their relationship.

Left unaddressed or unresolved, incidents such as these are certain to take their toll on your client relationships. Conversely, with proper management you may be able to use the problem to build an even better relationship with your client. Even if the issue remains unresolved, proactive efforts will often stem bad-mouthing or festering ill will resulting from no response.

### Preparing to Approach the Client

You may learn about a problem with a client from the client directly, from a colleague working with the client, or from a third party (such as another advisor). At the first hint of a problem, you should prepare to talk to the client. Depending on the situation, you may want to:

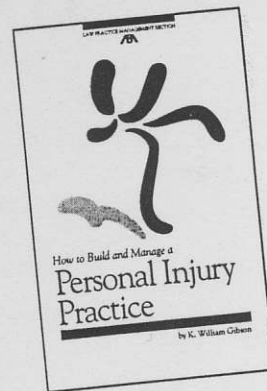
- Speak to other lawyers or paralegals who work with the client, to see if they know any more about the issue;
- Speak with close contacts or confidantes within the client organization, to get a full appraisal of the problem;
- Review the files on the client's matters to apprise yourself of the recent relationship;
- Determine who in the firm should be involved in meeting with the client (*i.e.*, who has the best relationship);
- Get ready to address specifics, such as acknowledging areas where you or the firm fell short of the client's expectations, or presenting steps you intend to take to rectify the problem or to avoid a recurrence of the situation;
- Set up a meeting with the client to address the issue (held at the client's convenience at no charge, of course).

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For the past 10 years, Sally J. Schmidt, president of Schmidt Marketing, Inc., 1601 East Highway 13, Suite 106, Burnsville, Minnesota 55337, has provided market research, marketing training and marketing consulting services for more than 200 law firms throughout the U.S. and internationally. She has an MBA in marketing and was a founder and the first president of the National Law Firm Marketing Association.



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Ed Poll has created a valuable resource for busy attorneys and a great alternative to books on tape for those who commute regularly. A subscription to *Law Practice Management Review* delivers a monthly audiotape full of relevant interviews on law practice management issues. Each hour-long tape features four interviews concerning different practice management topics. According to Poll, his focus for the tapes is on keeping the phone ringing with new client calls, the secrets of always getting paid and turning overhead expenses into profit-generating investments. The six audiotapes I reviewed meet these goals admirably.

With more than 20 years' experience in the legal market, first as a practicing attorney and now as a consultant, Poll is well-informed about the profession and the cutting-edge issues it faces today. His choice of individuals to interview reflects that expertise. Poll interviews leading law firm consultants, representatives of major companies providing services to the legal profession and practicing attorneys. Each interview is succinct but substantive. Interviews range from outsourcing appellate brief writing and legal research to marketing to technology to staff relations. Each tape provides a good mix of interview topics, and interviews frequently carry over two tapes.

Poll's interview with Susan RoAne, author of *What Do I Say Next? The Art of Conversation*, features a discussion on the importance of casual conversation in the business arena and provides tips on small talk. RoAne suggests one must prepare for conversations in the same manner one prepares to lead a meeting. Her suggestions include reading a local paper and a national paper each day. She recommends the venue of the meeting, the weather, the organization sponsoring the event, as valid conversational topics.

The tapes are approved for MCLE credit in California and may qualify in other states. The only drawback if you're listening while commuting is that you may want to stop driving and take notes. —HLJ ■

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## Meeting with the Client

How you conduct yourself in the meeting with the client will affect not only the resolution of the issue at hand but your whole future relationship. Clients will be watching carefully to assess your willingness to listen, your willingness to compromise and your general attitude. Here are some do's and don'ts:

■ Open the meeting by explaining your objective: You value the client and the relationship, you are concerned that you fell short of expectations, and you want to know what you can do to satisfy the client.

■ Don't get defensive. Many times the first reaction is to defend the work that was done ("That was a terrific result we got for you.") or explain away the problem ("I'm sure he didn't mean to do that."). While you may want to use the meeting to build value for the work or the relationship, this is the client's time and the client should establish the agenda.

■ Let the client vent. Believe it or not, sometimes that is all you need to do. The client will feel much better, having gotten the issue off his or her chest.

■ Don't let the client gloss over the problem. In a face-to-face meeting, a client may be intimidated and downplay the issue. Be tenacious in your efforts to draw the client out. Keep asking questions, and ensure the client that you really want to know the extent of the problem.

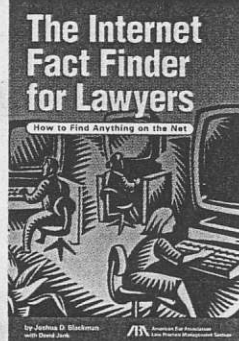
■ Ask the client what he or she would like to see happen in order to resolve the concern.

■ Thank the client for his or her candor and willingness to spend some time with you working on the relationship.

## After the Meeting

Once you have identified the problem and the client's proposed solution, you need to determine what kind of response to make. In many cases, the issue can be resolved by doing exactly what the client has asked, such as establishing a more regular reporting process. Other solutions, from writing off time to changing lawyer assignments, are stickier and may require

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firmwide or management input. But as a general rule, after the meeting you should:

- Communicate back to the client what you or the firm intend to do—your action plan;
- Act on your plan immediately, and communicate it as necessary to your colleagues inside the firm who have contact with the client;
- Set up periodic review times, with or without the client, to see how you are doing in your new approach to the client. A very common client complaint is that the lawyers fail to sustain their efforts to change.

### If You're Fired . . .

Should the worst-case scenario come to fruition, your approach will continue to send loud signals about the value you place on client relationships and, just as important, on learning from your mistakes. To this end:

- Do not burn bridges by expressing anger or bitterness toward the client. In fact (malpractice complaints aside), look at these people as potential, not former, clients.
- Send a follow-up letter to the client, expressing your appreciation for past patronage and disappointment about the parting of ways.
- Keep these contacts on your mailing list for newsletters, seminars or other passive communication efforts.
- Think about ways you can avoid the problem in the future by making it easier for clients to complain, changing your approach to clients or establishing regular feedback channels.

### Conclusion

Studies show that:

- If clients are unhappy but don't complain about it, only 37 percent will remain clients in the long term.
- If clients complain and the firm responds, 70 percent will remain clients.
- If clients complain and the firm responds *quickly*, 95 percent will remain clients.

Client complaints are indeed opportunities, and client dissatisfaction should be handled aggressively and in a forthright manner. It's both expensive and time-consuming to develop new business, so efforts to maintain and improve existing client relationships are well worth it. ■

### HUMAN ■ *Cont'd from page 22*

you think staff are important by keeping them in the loop.

4. **Do you say "thank you"?** It can't be said too often. Say it publicly, privately, in writing, with a gift, as an afterthought, as a beginning . . . but always express your gratitude for work well done. (And "please" is a nice word, too!)

5. **Do you know everyone's name?** The single most powerful thing you can do is call someone by name. Even if you don't (and goodness knows, you should), please refrain from referring to anyone as a "nonlawyer!" There are few things so professionally demeaning as being defined by something you are *not*.

6. **Is everyone who will work with a client graciously introduced to the client at the beginning of the engagement?** Frankly, your secretary may be more important to a client than you are. She or he facilitates the relationship, makes things easy for the client, serves as a buffer, finds things you don't even know exist. Begin a client relationship by introducing involved associates, paralegals, secretaries, analysts or clerks—regardless of whether they will actually speak with the client during the course of the work.

7. **Do regular social events include everyone?** Or have you redefined "everyone" to mean those who went to law school? Yes, there may be times when the partners—the owners—of a firm should get together alone to reaffirm their particularly

deep commitment or discuss thorny questions of profitability and compensation. But most of the people in your office work no less hard than the managing partner. They merely bring a different set of skills. Your (and their) professional and social interaction occurs all day long, day in and day out, through all strata and offices of the organization. When it's time to let down your hair and celebrate, everyone should be welcomed to the table.

8. **Do you ask for feedback as well as give it?** Strangely enough, most lawyers can learn more about how to improve their behavior toward clients by asking for a secretary's observations than by any other single means. Who knows you better? Who hears the client's complaints? Who is your best uninvolved observer? And while we're on the subject of feedback, do you give positive as well as negative feedback to your staff? The appropriate ratio over time is four bits of positive feedback for every episode of negative feedback.

9. **Do you know and understand the individual career goals of your staff?** They may have long-term goals that transcend their function in your office. If so, don't try to hold them back. Help them reach developmental goals by making assignments that build on their skills and experience. They'll stay as long as you're helping them create the future they desire.

These seem like simple concepts. They're really about how we treat human beings in the workplace. If you relate to all in your office as the intelligent, caring, important people they



"You know, I just might finish that Ferguson brief today, after all."

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