



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

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THE CANADIAN BAR INSURANCE ASSOCIATION
L'ASSOCIATION D'ASSURANCES DU BARREAU CANADIEN

Foreword

We are pleased to introduce the first edition of the Client Care Handbook: *7 Keys to Great Client Service*. This handbook is designed to help Canadian Bar Association members across the country improve the crucial lawyer-client relationship.

As a result of Canadian Bar Insurance Association sponsorship, a copy of this handbook is being mailed to every member of the Canadian Bar. This publication is a key part of the *Lawyers Care Initiative*, a program aimed at responding to a key concern of our members: the need to build public confidence in the profession.

The *Lawyers Care Initiative*, under the auspices of the national Communications Committee, was approved by CBA Council in 1999 as a co-operative branch/national member service. It takes a multi-faceted approach under the headings of client care, public education, public perceptions and the profession's profile. We're grateful to the B.C. Branch Communications Committee, which developed the template for this Client Care Handbook. We also acknowledge the support of the CBA Preferred Suppliers.

We hope this handbook will become a valuable reference tool to help you in your day-to-day work. We welcome your feedback! E-mail us at info@cba.org or visit our *Lawyers Care Initiative* website at www.cba.org/lci.



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President
Canadian Bar Association



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7 Keys to Great Client Service

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Prologue — Rate your client services

Circle the response that best represents what you do or how you view what happens in your firm.



Firm support

1. Lawyers and staff strive to reach a high standard of client services. It's our focus.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

2. We follow client service policies and performance standards.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

3. We provide consistent service to *all* clients, even difficult ones.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

4. Most of our clients return to us or refer their associates, family members and friends to us.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

5. Everyone in our firm demonstrates good client relations.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

Individual skills

6. I make an effort to know my clients' needs and wants before I consider my own.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

7. I create an atmosphere that helps my clients feel that they can ask me a question if they don't understand something or if they want more information.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

8. I make an effort to write and speak clearly in language my client understands easily, applying plain language principles to my communications.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

9. I am alert to my clients' verbal and non-verbal reactions and respond to these signals by looking for ways to be more effective.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

10. I follow up all initial client contacts with a telephone call.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

11. I follow up and thank my clients when work on a file is completed.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

12. I return all phone calls and e-mail messages within 24 hours.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

13. I anticipate issues and events that might affect my clients and discuss these matters with them. I am proactive, not reactive.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

14. I am aware of my clients' expectations of me and the work I am doing for them.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

15. I consider each client an asset to my practice and treat each client as a valued customer.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

Client perceptions

16. My firm asks for feedback from clients in formal and informal ways.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

17. Our clients tell us that they find it easy to read and understand the materials we send them.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

18. We know why clients choose us.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

19. I know how my clients perceive me.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

20. We review client feedback to help us to improve our legal services and find new areas for growth.

always	usually	sometimes	rarely	never	don't know
5	4	3	2	1	0

To calculate your score, add up the total of the numbers you circled.

TOTAL: _____

How good is your client service?

80 to 100 points

You and your firm are generally responsive to the needs and demands of your clients. Most clients are well served by your firm, although you may occasionally fail to meet some clients' expectations. Develop client service strategies to address special challenges, such as hard-to-please clients, multi-client files or complex cases. Make sure you use client feedback to continue to improve service delivery and to address areas of weakness.



60 to 79 points

You and your firm give your clients average service. You have some skill at providing effective client services, but occasionally fail to respond and communicate with clients according to their needs. You may be inconsistent in your dealings with clients. Client relations probably don't have a high profile in your firm, are not often discussed at meetings and are not the subject of professional development activities. Focus client service improvements on motivating yourself and all staff to meet a high client service standard, building consistency and identifying ways to meet special challenges.

0 to 59 points

You and your firm have lots of opportunities to improve client service! You are relying on your instincts rather than working from knowledge and established systems. You may not even be aware of service inadequacies or the reasons some clients are dissatisfied.

Do some homework about how to improve your client service — reading this booklet is a good place to start! Spend some time with your firm team to map out ways to systematically improve client relations. Be sure to assess how much better you are doing in a few months. 📌





Remember

Good client relations are about what you do, *not* who you are. Good client relations don't just happen.



Think about client service

What is good client service? Lawyers often think that all a client wants is the successful resolution of the problem that has brought the client to the office. They put all their efforts into that goal, forgetting that clients are looking for something else, too.

Clients want to feel that

- they have been taken seriously,
- their case is important,
- they have your full attention,
- you are doing your best for them, and
- they have gotten their money's worth.



There are some simple things to do to increase client confidence in you and help you to build your practice by improving client services.

This booklet will give you some ideas of actions you can take now. But, providing good client service is an on-going process. You need to revisit your client service practices and standards on a regular basis to assess how they can be further improved.

Excellent client service is the foundation of a successful law practice and the best competitive edge a lawyer could ask for. Yet lawyers receive little or no training in this all-important area.



In fact, studies show that lawyers' failure to adequately communicate information about the client's case and to show real interest in the client's needs is the number-one source of client dissatisfaction. Conversely, great service is a leading source of client happiness.

It's easy for lawyers to forget how important client service is: like the air you breathe, it's so fundamental you sometimes forget it's there. But as the Queensland Law Society pointed out years ago, when drafting the basic rules of client relationships: "Clients are the most important people in the practice — in person, by mail or by phone. Clients are not an interruption of our work; they are the *purpose* of it."



Reviewing your client services is a good habit that you won't want to break.

Good client services are built on

- credibility and trust,
- integrity and honesty,
- communication, and
- commitment.

Good client relations mean serving your clients according to their needs. 📌

Remember

"A satisfied customer tells a few friends.

A dissatisfied customer tells everyone who cares to listen."

Expectations

Make sure you understand your client's expectations — and that your client knows what to reasonably expect.

Managing client expectations is the most challenging part of client services. Clients sometimes have ambitious ideas and unrealistic notions of what is possible. They may have hopes that you will solve all their problems, most of which are not legal problems at all.

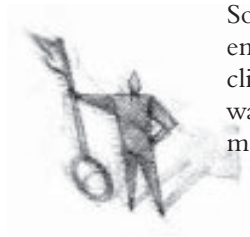
They may believe everything they have seen on TV about lawyers and courtrooms and perfect endings. They may think that now that a lawyer is working for them, there is nothing for them to do. They may, in fact, be completely unprepared to be a consumer of legal services. So, what can you do?



It is really important to begin your work on a file with a clear understanding of what your client wants you to do. The best way to learn this is by listening carefully to your client, asking questions and playing back the answers so that you are sure you have gotten the message right.

Similarly, you want to make sure that your client knows what to expect — the steps you will be taking, how long they will take, what might affect the timing and costs, who else may be working on the file, and how payments are to be made.

Some lawyers make a practice of sending a “letter of engagement” which sets out these details. Others call a client a few days after the initial meeting to review what was discussed and to make sure that there are no misunderstandings.



This checklist itemizes the material to cover during the initial meeting with a client, in a letter of engagement or in a follow-up telephone call.



Checklist: Managing Client Expectations

When you begin work on a file, build the foundation for a successful lawyer/client relationship. In a letter to your client or in a conversation with your client, make sure you do the following, where applicable.

1. Describe the nature of the legal problem.
2. Outline the services you will provide.
3. Repeat the goals your client has identified.
4. Set out the strategies you and your client discussed.
5. Identify what details the client has agreed to provide about the tasks to be done.
6. Clarify exactly what tasks the client has to do (send in documents, make a list, etc.).
7. Explain the roles of the people with whom you work and what they will be doing.
8. Map out a schedule of events, along with factors that could affect the schedule.
9. Specify how fees will be calculated and what disbursements are likely to be made.

10. Provide a cost estimate, and note the factors that might affect the ultimate cost.
11. Clarify the amount that is owing immediately as a retainer, and what portion of this is refundable if the client decides not to proceed.
12. Set out your billing practice — how often you will send a bill and when you will charge interest on amounts owing.
13. Confirm that you are not in a conflict of interest, and that you will not take on a case that would put you in a conflict of interest now that the client has retained your services.
14. Explain that you will keep your client informed about developments and that you will not make important decisions or take major steps without getting instructions from the client.
15. Describe the next steps you will be taking and when you are likely to be contacting the client again.
16. Thank your client for his/her confidence in you and express your commitment to meeting his/her legal needs.



Sometimes the simple things make all the difference. One lawyer's client was frustrated because he was always getting the secretary's voice mail. It turned out the client always called just after one o'clock because that was the only time he could make a personal call from work. The lawyer's secretary always takes lunch then.



So the secretary changed her voice mail message to include an explanation that her regular lunch break is between 1:00 and 2:00, and invited people who needed to reach her then to leave a message about when the lawyer could call back. Everyone who called the office benefitted from having this additional information in her voice-mail message. 📌

Remember

"In a time where competition for 'traditional' legal services is intense, the best way for lawyers to survive is to build strong relationships with their clients."

— Phil Shuey

Personality Types

Learning to recognize the numerous personality types can help you develop effective professional relationships.

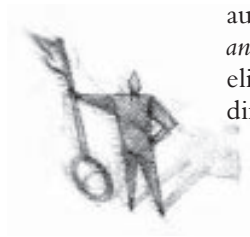
It's second nature for lawyers, when interacting with clients, to concentrate exclusively on the legal or factual issues of the case. Thus, rarely do lawyers pay attention to something as invisible and yet fundamental as their client's personality and how the client should be treated.



But the client is extremely aware of the communication and interaction with the lawyer, and often it's the one impression that the client takes away. Did I feel comfortable with the lawyer? Did I get the feeling the lawyer responded to my needs? Is he or she on my wavelength? The client's feelings about the lawyer will greatly influence the conduct of the case and any future dealings between the two.

This is especially the case with the so-called "difficult client," with whom the lawyer can somehow develop inexplicable problems. Many such clients may well be difficult individuals to deal with, but many more simply have personalities very different from the lawyer's. Because the lawyer fails to recognize and respond to such personality gulfs, the lawyer-client relationship grows strained.

According to Tony Alessandra and Michael J. O'Connor, authors of *Discover the Four Basic Business Personalities — and How They Can Lead You to Success*, the key to eliminating (or at least minimizing) the aggravation from difficult clients is to understand and adjust to them.



The Director

This person is outgoing and commanding, with an emphasis on "Let's get the job done." Directors are good decision-makers and love competition. They want to know what you think, but may not follow your recommendation. They believe in your expertise; they just need to appear to be in charge.

Characteristics

- fast-paced, big-picture person
- a risk-taker
- not primarily concerned with the impact of a decision on others
- not interested in details
- wants a clear-cut victory
- easily annoyed by unmotivated or weak people

Strategies

- Stress your organizational and big-picture skills — "I'll get started on this right away."
- Don't beat around the bush (directors hate to waste time).
- Don't disclose feelings of uncertainty or upset.
- Never compete with a director.



The Socializer

The socializer is outspoken and gregarious. Socializers are ideas people, but need others to carry out their plans while they think up more. Because they say things like, "What about this?" they may be perceived as negative or indecisive. They are really just testing their ideas. Meetings are both social and business events for socializers.

Characteristics

- quick decision-maker
- wants the big picture, not details
- willing to take risks
- prefers win-win situations
- doesn't like to be perceived as sharp or overreaching

Strategies

- Be upbeat about their suggestions.
- Include their suggestions when setting out options.
- Tolerate digressions; that's when they have the best ideas.
- Limit details to "needs to know."
- Never rush to finish a meeting or to bring a discussion back on point.
- Lay out alternatives that minimize the possibility that they will be seen in a bad light.
- Invite socializers to parties and firm events — they want to be on your "A" list.



The Relater

If there is a conflict, the relater is the first person to suggest a compromise. They are good listeners and often seem like great team players. If they sense conflict, they will either give in or clam up. They get along well with everyone, and your colleagues will wonder why you find a Relater to be a difficult client.

Characteristics

- a seemingly accommodating, low-pressure type
- little tolerance for risk
- makes decisions cautiously, after time-consuming and tedious discussions which include extraneous facts and insignificant details
- worries about the effects of decisions on others

Strategies

- Give these clients time to trust you.
- Take care to keep these clients informed about how things are going; they need details, even about minimal actions.
- Talk about your “gut” feeling when discussing strategies.
- Go slow and focus on benefits to them and people on their side.
- Don’t expect this client to make decisions alone; they may need time to consult others.
- Don’t put this client on the spot in meetings with you or others.
- Don’t shrug off this client’s concerns — trust in you is at stake.



The Thinker

The Thinker liked doing research in school and still seeks knowledge, often working alone to analyze problems and get more information. They may be perceived as questioning authority when they are just trying to find out more. The Thinker may say that a decision is up to you, and then come back with a plan of action, after you've already gotten started.

Characteristics

- methodical and fact-oriented
- little tolerance for risk
- makes decisions only after time-consuming and tedious discussions which include extraneous facts and insignificant details
- wants lots of information: "How many other times have you done this?" "What could go wrong?" "I want to know ..."

Strategies

- Stick to business and use lots of details to demonstrate the logic of your proposals and strategy.
- Take time for the client to become comfortable with your recommended course of action.
- Give lots of pros and cons when making suggestions.
- Don't let this client feel that they are doing all the work; document meetings and refer to them in your correspondence, *e.g.*, "As we discussed on the phone last Thursday at 2 p.m...."
- Keep on top of the facts, and expect this client to test your knowledge of the facts as the client sees them and to judge your grasp of the facts as proof of your commitment.



Of course, these character types are generalizations, but they may help you to minimize conflicts with clients, improve communication and promote more effective decision-making. Take your best guess about which category your challenging clients fit into and act accordingly.

Which type are you?

Part of the equation in dealing with clients is to know yourself. Which personality type best describes you? When you are a similar type to your client, your working relationship is likely to be smooth sailing. You both approach problems and decision-making the same way.

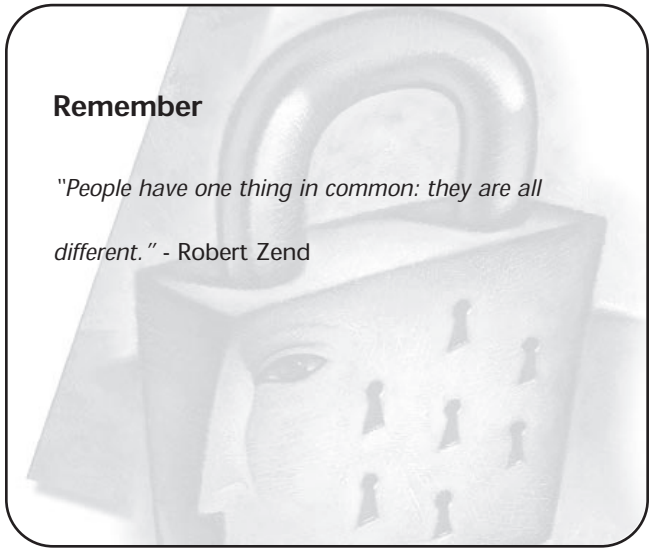
When you are a different type from your client, you need to make some adjustments. Don't expect a client to follow your style. It is up to you to recognize theirs and act accordingly. Just being aware of the differences in style between you and a client can help you to meet client expectations more effectively and to make better decisions together. 📌





Remember

"People have one thing in common: they are all different." - Robert Zend



Plain language

Professionals — be they doctors, dentists, lawyers, computer programmers or social workers — have a vocabulary that they learned during their studies and use regularly in their professional lives. Technical terms and expressions become commonplace and are easy for them to understand. However, for people who do not have the same background and training, these terms can be mystifying.

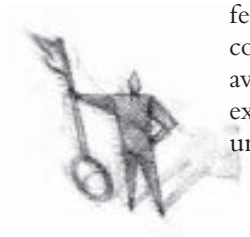


Lawyers need to communicate legal information to their clients in ways that their clients can understand. This means explaining legal terms or finding other words to convey the same meaning.

For instance, an “examination for discovery” is a chance for the other side to ask a person questions to get information before the case goes to court. Once you’ve explained a technical term, you can use it with greater confidence that you are communicating effectively. Just don’t take for granted that your client always understands you.

When you are having a conversation, you can generally tell when the person is not quite grasping what you are saying, either because of body language or because of the questions asked.

When you write to someone, you don’t have this instant feedback. Take extra care with your written communications to clients to make sure you have avoided jargon, explained legal terms clearly and expressed your ideas in a way that a non-lawyer can understand.



By following the basic principles of plain language writing, you can improve the quality of your writing dramatically — and make your clients much more comfortable. 🗝️



Remember

In a 1993 study, the American Bar Association found that over 50% of clients whose lawyers frequently or occasionally used legalese would not return to or make referrals to those lawyers.

The Ten Commandments of Plain Language Drafting

From *The Decline and Fall of Gobbledygook*, Report on Plain Language Documentation, the Canadian Bar Association and the Canadian Bankers Association, 1991

1. Consider your reader and write with that reader's viewpoint in mind.
2. Write short sentences.
3. Say what you have to say, and no more.
4. Use the active voice.
5. Use simple, "everyday" words.





6. Use words in a consistent manner.
7. Avoid strings of synonyms.
8. Avoid unnecessary formality.
9. Organize your text:
 - (1) in a logical sequence
 - (2) with informative headings,
and
 - (3) with a table of contents for
long documents.
10. Make the document attractive
and designed for easy reading.

Improving your listening skills

Lawyers are often excellent orators, with a gift for speaking evocatively without preparation. Many, however, are not the best listeners. They are keen to get back to work or move on to the next point, and fail to really pay attention to what is being said to them.

Clients want to tell their story and to be sure that you have taken note of what is important to them. Your clients will appreciate your attentive listening.



Listening is a skill that requires attention, patience and practice. A detailed lesson plan for becoming a good listener is beyond the scope of this handbook, although professional associations and organizations can direct you to those who give listening lessons. But you can start the process by taking this Listening Test to find out whether you're a good listener.

Answer Yes or No to each of the following questions.

1. When a problem comes up, I respond immediately without getting all the facts.

Yes No

2. When I get the answer I need to a question and the person starts talking about something else, I lose interest.

Yes No



3. After I have made my point at a meeting or completed my presentation, I tend to daydream.

Yes No

4. When I am talking with someone who is a slow and deliberate speaker, I find that I will finish a sentence for the person to keep the conversation moving along.

Yes No

5. When a colleague, staff member or client tells me a personal anecdote, I consider it a waste of time.

Yes No

6. I feel uncomfortable asking people if they have understood my instructions.

Yes No

7. When I receive important or startling information, I am preoccupied by it for the rest of the day.

Yes No

8. When a client's message is not clear, I am hesitant to ask questions or ask for clarification.

Yes No

9. I am nervous or apprehensive when I speak to more senior members of my firm or the Bar.

Yes No

10. I am a good listener.

Yes No



So, are you a good listener?

If you answered “yes” to any of the statements from 1 to 9, you should try to improve your listening skills. Become aware of your listening habits and make an effort to build on your natural listening abilities.

As for question 10, 75% of good listeners answer “no” to this question. Why? Because they realize that being a good listener is complex and demanding and that there’s always room for improvement.

In business, listening also means finding out from customers how well their needs are being met. This doesn’t have to be through sophisticated or expensive market research or focus groups. It can be as simple as asking the question: “Is there anything we could have done better?” Or, having a suggestion box in the office. Or, taking a client to lunch to chat about the case and your firm’s service delivery. Or, sending out a survey to ask clients for feedback.

However you listen for reports on how you are doing, make sure you pay attention to what you’re told. When one person has had a problem with something, it is likely that others have too. Small changes can make a big difference. 📌





Remember

"Listening, when successful, is the point where the client comes to believe that the advisor understands him or her. The purpose of listening in building trust is to earn the right to engage in a mutual exploration of ideas."

— David Maister

Keep in touch!

You're busy. The phone rings constantly. Plus, there's e-mail. People drop into your office. There is never enough time to do everything you hope to accomplish. How can you possibly answer every phone call or e-mail message within 24 hours?

The secret is to have a system. Some lawyers set aside a time block each day to handle e-mail and phone calls. Some reply to messages on a regular basis throughout the day. Make a 24-hour reply your goal and figure out ways to reach it.



Many clients just want to know you got their message and don't need to have a long conversation with you right away. It's better to call a client to say that you don't have time to talk now, and arrange a time for a conversation, than not to call at all. If you absolutely cannot make the phone call, ask support staff to call for you to explain that you won't be able to return the call until another day. Perhaps the client will give them the information or question to pass on?

It is critical to keep clients informed about the progress of their file. If you said that something would be done by a certain date and it is not done, let your client know that this has happened and why. Then, your client will feel confident that you are keeping track of their affairs, even if things are not happening on schedule. When work falls behind, silence is definitely not the best policy.



One of the most important features of keeping in touch, of course, is making sure that your client knows how to get in touch with you. Many lawyers will hand the client their business card on the client's way out. But cards are

easily lost or misplaced, and the client may be reluctant to ask for a replacement — perhaps out of fear that it might cost them money!



Even at that, some lawyers' business cards don't provide all the information they could. Your phone number is certainly there, but how about your fax number? Your e-mail address? Your firm's Website address? Your cellphone number for emergencies? How about your secretary's phone number? Or your legal assistant? Does your card list your office hours? What about basic street directions to find the office? Remember that you can use both sides of a business card.

In addition to a comprehensive business card, try to give your client other reminders of how to reach you. A follow-up letter written on letterhead is an excellent start. Even better are inexpensive gadgets such as fridge magnets or keychains that are easy for clients to keep and reference when needed.

You will find that it does not take an enormous effort to keep in touch with clients. It's more a question of attitude and discipline. 🔑

Remember

"Silence gives consent — or a horrible feeling that no one's listening." — Franklin P. Jones

Get feedback

Lawyers can't assume that clients walk out the door satisfied with the services they've received. Clients might be upset about expectations that weren't met, unhappy with the accessibility of the lawyer they hired, disappointed by the outcome of the matter and blaming it on the lawyer. You'll never know if a client was dissatisfied under these circumstances; you'll simply never hear from the client again.



But getting feedback doesn't have to be a chore. For starters, clients enjoy it, because it means you value their opinion and care about their view of your services. Everyone likes being asked what they think, and law office clients are no exception.

Second, getting feedback is a great way to get new business from that client. The information they provide could include a coming matrimonial issue, a will that needs to be updated, a corporate endeavour that needs financing or advice, and so forth. Your feedback effort can double as a marketing initiative.

Third, feedback is inherently a good thing. No lawyer is so good at their job that there's no room for improvement. As competition from within and outside the profession becomes greater, it's in your best interests to be at the top of your game professionally. And you'll be a better lawyer and a better professional for having sought feedback on your performance. 📌



Epilogue

Sample Survey Form to send to clients

[law firm letterhead]

At [law firm name], we are continually working to improve the service that we provide to our clients. Please help us by taking a few moments to fill out this anonymous questionnaire and return it to us in the postage-paid envelope that we have provided. Your responses will help us provide you better service. Thank you.

Please put a mark in the box that best expresses how you feel.

My lawyer understands what I want.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

My lawyers works hard for me.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

My lawyer keeps me informed about the progress of my file.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

My lawyer responds to phone calls promptly.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

My lawyer treats me with respect.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



I understand the information my lawyer gives me.

Strongly agree	Somewhat agree	Disagree	Strongly disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I receive courteous and appropriate service from support staff.
Strongly agree **Somewhat agree** **Disagree** **Strongly disagree**

I feel comfortable asking my lawyer to explain something again.
Strongly agree **Somewhat agree** **Disagree** **Strongly disagree**

I feel my lawyer is looking out for my best interests.
Strongly agree **Somewhat agree** **Disagree** **Strongly disagree**

Overall, I am ...

Completely satisfied Satisfied Just OK Dissatisfied

Please add any other comments about the legal service you receive from us.

Thank you very much for your time and candour in completing this survey. And please don't hesitate to contact us if there is anything that we can do for you.

Sincerely,

[contact person]
[title]
[telephone number]
[e-mail]



