

**C**ustomer service—consistently delivering “wow”—is overrated. After all, even world class customer service strategies need people to implement them. Face it, we’re fallible. The essence of good customer service is how you put it right *after* you’ve dropped the ball.

## Righting Customer Service—Part One

BY RONALD F. POL

Let’s say you receive advice which is clearly flawed. You point out the inconsistencies—that it is technically focused and misses the big picture. You ask for strategic advice that you can actually use as the basis for decision-making.

### Dealing with Poor Customer Service Reflects Excellence

Law firms respond to suggestions of poor customer service differently. Here is one hypothetical possibility.

#### 1. Deny everything, or talk about general issues instead.

*“Our letter doesn’t mean what you suggest it does.”*

Sorry, we were using the English language; maybe this doesn’t apply to you in the same way as the rest of us.

*“We are concerned you feel dissatisfied. We are proud of our reputation for excellence in the provision of legal service, and of our close working relationships with clients.”*

Great, this must translate into some real action if standards haven’t been met. Do let us know what you think will help maintain *our* working relationship. We’d also be delighted if you’d respond.

#### 2. Blame someone else, preferably someone defenseless.

*“We can understand how Mr. Smith formed the view that our advice was inconsistent, but he’s left now. He didn’t know about other discussions which put our advice in context, and misunderstood our letter because it didn’t really mean what it said.”*

Now we *really* don’t understand, but would like to know what’s going on, so perhaps you’d better send us a list of all the matters the firm is currently acting on.

#### 3. Clients love figuring things out by themselves.

*“Here’s the list you asked for.”*

We now see that for the past two years you’ve been acting on a procurement contract involving the same company that you are now advising us to sue, and to whom it seems we are also due to make a large payment as part of that contract. Telling us about this link would have been nice; call us old-fashioned, but if we sue them, we’d rather not also pay for their defense.

#### 4. Defy reality.

*“We didn’t mention the linkage not because we didn’t consider it, but because the possibility of commercial leverage was considered of little value, and because we assumed you were already considering it anyway.”*

Either you chose not to tell us because you assumed it was immaterial, or it *was* material and you chose not to tell us because you assumed we were already addressing it ourselves. Next time, feel free to check your assumptions directly with us. In the meantime, maybe you charged us for something you didn’t tell us about. Best to send all your timesheets for the last year or so; we really do want to see what’s going on now.

#### 5. A partial response will be enough. “Here are the timesheets.”

Actually, these are for just one month, yet even these show inconsistencies. Someone recorded time for preparing an agreement after it was executed. One lawyer seems consistently to have two-hour meetings with others who record the same meetings as only one hour. There are also large blocks of time without itemized tasks. We’d hoped for transparency, yet this introduces greater opacity. We can’t adequately identify who performed what tasks, whether they were performed at an appropriate level, or much else helping meet our obligation to ensure charges are fair and reasonable. Please cooperate with our external auditor as she investigates your records more closely.

#### 6. Add undisclosed charges.

The auditor says that your billing system automatically adds both a 15 percent premium and a two percent service charge when generating bills; these add-ons mean the rates are higher than those we’d actually agreed on. We have another query, too. Whether or not it might actually be possible to perform some tasks in less than six-minutes, we are at least familiar with six minute units, yet don’t quite understand why your system automatically records a minimum of two units. If a lawyer calls 10 clients during lunch and leaves a 30 second message for each, the laws of physics suggest this would take about five minutes or so, yet by the laws of billing it seems this would generate two hours of billable time.

*Next month concludes the list, including an alternative approach to the issue.* 📧

*Have a comment on this article?  
Email [editorinchief@acc.com](mailto:editorinchief@acc.com).*



RON POL is past president of New Zealand’s Corporate Lawyers’ Association and general counsel for public and private organizations. He also advises legal departments and law firms, and welcomes comments at [ronald.pol@teamfactors.com](mailto:ronald.pol@teamfactors.com).

Last month I offered the following situation, and now complete the list of one possible way that your law firm might respond (in *italics* below) to suggestions of poor customer service.

You receive advice which is clearly flawed. You point out the inconsistencies, and that it is technically-focused

Actually, our chief executive said he hoped we were “almost there,” but we needed to check a few more things, including the timesheets. We’re surprised that you are taking such an active part in a dispute involving your own record-keeping. An independent review seems better, so I’ve copied the managing partner.

## Customer Service: Putting it Right—Part Two

BY RONALD F. POL

and misses the big picture. You ask for strategic advice that you can actually use as the basis for decision-making.

### Dealing With Poor Customer Service Reflects Excellence

As a review of last month’s column, here’s how some law firms deal with poor customer service:

1. Deny everything, or talk about general issues instead.
2. Blame someone else, preferably someone defenceless.
3. Clients love figuring things out by themselves.
4. Defy reality.
5. A partial response will be good enough.
6. Add undisclosed charges.

### 7. Clients Love It When You Go Over Their Head

*“Thanks for your letter on billing issues after the audit you commissioned. I understood from my discussion over lunch with your chief executive last week that the matter was closed. I have nonetheless checked our time records again, and although some of mine are perhaps not quite to my usual standard, I’m satisfied that the total amounts are correct.”*

### 8. Deadlines Are for Wimps

*“The managing partner has the file and will reply within a few days.”*

Several more weeks have passed, and we’ve heard nothing. The lack of progress is frustrating our colleagues who are still trying to progress the actual transaction.

### 9. Admit Privately, but Never in Writing

*“We have reviewed the file and found no evidence to suggest that our advice and service was less than appropriate, but as a gesture of goodwill, we have waived our entire fee. We hope this resolves the issue.”*

When we met last week you frankly agreed that the original advice was seriously flawed. We thought that was a great basis to get things back on track, so we are surprised by your letter. Sure, it’s good that you’ve cut your fee, but it’s not about the money. We actually want the firm to add value, and to restore our confidence; yet continuing not to confront the issue directly serves to deepen rather than allay our concern. We may now need to schedule a more formal review of our relationship.

### 10. Good Systems Kick in

The firm asks for a meeting. You jot down the salient points, ready to illustrate the key issues against another defensive onslaught.

Three partners attend the meeting. The managing partner also happened to be walking past as you arrived; and had clearly been briefed. They are obviously taking it seriously. This could be a fight. Good thing you came prepared.

The firm’s response was directly to the point. *“Sorry, but we got it plain wrong. And the way we’ve dealt with it hasn’t been too flash either. We’ve now taken the time to figure out how we can fix it, and this is our plan...”*

That’s great. Let’s talk.

### Putting It Right Counts

More often than not, there will be a reservoir of goodwill to tap into at nearly every stage; after all, the lawyers are there because they add value, and everyone has invested in the relationship.

The real issue then isn’t so much about what happened, as *what* to do to put it right, and *when*. This applies equally to external or in-house lawyers; or, as in this example, at their junction.

Lawyers can choose to allow client relationship issues to fester and escalate, and maybe sour the relationship, or resolve them decisively and quickly—in the above example perhaps skipping straight to step 10 if appropriate—and help strengthen the relationship instead. 🚩

Have a comment on this article?

Email [editorinchief@acc.com](mailto:editorinchief@acc.com).



RON POL is past president of New Zealand’s Corporate Lawyers’ Association and general counsel for public and private organizations. He also advises legal departments and law firms, and welcomes comments at [ronald.pol@teamfactors.com](mailto:ronald.pol@teamfactors.com).