Why Clients Demand Value and How Your Success Depends on Delivering It

By Susan Saltonstall Duncan
Published in **Grow Your Practice: Legal Marketing and Business Development Strategies**
New York State Bar Association

Clients are in the Driver's Seat

For at least a decade, clients have been getting both more selective and more sophisticated in how they consider and hire lawyers. Several recent market forces have put clients more firmly and permanently in the driver's seat as clients today have many more choices for getting the legal help and information they need. The supply of licensed lawyers greatly exceeds demand, and there are many alternative legal service providers available now in the form of legal process outsourcers, virtual and contract lawyers, and many paraprofessionals who can do much of what is required. In addition to professionals providing services, many clients can access tools and content to complete legal documentation and processes online ad inexpensively.

The surplus and disruption in the profession has resulted in three major challenges for lawyers in private practice. First, lawyers now compete much more regularly and aggressively with each other for new business or even to hold on to clients. Second, when supply exceeds demand, clients can and now do force lawyers to compete on price. And third, with so much available on the internet and software and with many lower cost providers available, it can be difficult to convince clients why they should spend significantly more money to have a lawyer do what they perceive others can do faster and/or cheaper.

Some Legal Services have Diminished in Value

As evidenced by what clients are and are not willing to pay ever-higher rates for, much of the work traditionally done by lawyers has diminished in value. Clients themselves have a good idea of whether their legal matters require high end, highly customized attention and expertise, or whether they fall where sixty percent or more of legal needs typically are, which is in the category of routine, standardized or commoditized.

Alternative service providers have burgeoned to provide many of the content, routinized and commoditized services. These alternative service providers now offer many services that traditional firms have considered their bread and butter, e.g., pre-litigation work, research and discovery, contracts and agreements, and even trademark filings and patent prosecution.

Putting Clients at the Center

Lawyers that best understand and deliver value to their clients are those that put clients' satisfaction and loyalty at the center of their practice and their firms – ahead of their own profits, ahead of their own agendas, ahead of their drive for intellectual pursuits – essentially, achieving clients' goals are the lawyer's or firm's top priority. Being client-centric is a mind-set and in a few firms, a core tenet of their culture and their mission, however, most talk about it but do not completely execute on it.

What are some of the qualities that client-centric lawyers or law firms embody?

- Like Jeff Bezos of Amazon, they symbolically leave an empty chair at the table for every discussion about the client and about firm policies, management matters and approaches in order always to ask – "What is in the best interest of the client? How will this decision, policy or approach benefit or disadvantage our clients?"
- They ask great questions and are avid listeners.
- They are empathetic, able to put themselves in their client's shoes.
- They learn everything they can about the client's expectations, needs, worries, communication style, working preferences.
- They worry about and think ahead about issues or problems that will affect the client and creatively think about new approaches and solutions.
- They treat their client's money as if it were their own.
- They make every client feel as though s/he is that lawyer's only client.
- They measure, promote and reward everyone in the firm on the basis of how well they serve and satisfy clients over the long term.
- They provide some insights, advice and information without charging for it.

Lawyers with a client-centric mindset are in a much better position to be aware of and to create value for their clients.

Value is in the Eye of the Beholder

Discussions about value often revolve around the pricing and cost side of value, but it is much more complicated than that. Clients are demanding and getting better prices, that is true. Law firms are learning how to become more efficient and creative, while still maintaining profitability. But value is about much more than just the price of something. Value is subjective

-- what one client believes is worth the cost, another might not. Usually clients describe the lawyers or law firms they get value from as:

- Getting results
- Achieving the objectives we establish
- Being trustworthy and reliable
- Being readily available and accessible whenever I need them
- Being creative and innovative
- Being among a very few with a specific skill or expertise
- Thinking outside the box
- Having institutional knowledge about my business or organization
- Going above and beyond
- Treating me as if I were like their only client
- Having all staff know me and being helpful and respectful.

In order for you to deliver value, you need to establish up front how individual clients define value and how they will measure whether or not they receive it from you. At the outset of each engagement, define the client's objectives and the approaches and parameters they'd like you to apply in order to achieve the outcomes they hope for. Ask them to articulate what it is specifically that will make this a successful engagement. This requires a customized approach for each client.

The fact that value is in the eye of each beholder is good news. First, clients still appreciate and look for value that means more than just price – they know that cheapest isn't always better or even good enough. Second, relationships still matter. For many lawyers, eighty percent of new business comes from referrals, the majority of which are current or former clients. If you can build loyal clients who are very satisfied with your service, results and value, you will receive referrals of new clients from them. Third, there still are many aspects of legal advice and representation that only can be provided effectively by lawyers. The secret is to figure out how you truly deliver value and differentiate yourself and your services from all the other options clients have available to them.

How You Should Communicate Value: The Value Proposition

Since it has become increasingly more competitive for lawyers trying to attract new clients or even retain them, value will continue to be something you need to deliver but also communicate. This communication will take many forms and will occur at various times along the marketing spectrum, from an initial introduction in an elevator speech, to the way you describe your services in a proposal or a meeting with a prospect to the discussions you have with existing clients on whether they are receiving the value they want and need.

A value proposition reflects the concrete results and benefits a client receives by selecting and working with you or your law firm. It is what helps a law firm stand out from others by conveying what is distinct about its services, culture and infrastructure that make it the better choice over its competitors.

Traditionally, lawyers and their firms have promoted their services from a features-oriented basis. Whether in a self-introduction or a description of a practice area, their focus has tended to be on capabilities and services offered, credentials, location, history of the firm, size of the team or firm, etc. This approach is firm or lawyer-centric and does not make the case for why a client should hire you over someone else and in many cases, does not even give the client a clear idea of how you will help them. When you focus only on features, the client or prospect is left wondering "How does this help me?" or "How is this any different from the firm I already use?"

Some real examples of self-focused descriptions or those that focus on features:

- *We take pride in providing our clients with exceptional guidance and practical solutions to a vast array of legal matters.*
- *[Law firm] takes pride in providing our clients with the utmost level of care, respect, attention, and understanding.*
- *That's why we take pride in our team's knowledge, experience and intelligence to best represent our clients' interests.*
- *Our practices are based on the tradition and principle of providing legal excellence with integrity to our clients.*
- *The firm was founded on the commitment to providing the highest quality professional legal service available.*

Selling your services and the value clients derive from retaining your firm must be focused on benefits, not features. Your value proposition should speak to the tangible results and solutions you bring to their pressing challenges -- how your services will make their lives easier. You need to articulate tangible, perhaps quantifiable, examples of specific advantages and results you bring them.

Your value proposition should focus on specific ways in which you help clients, for example how you:

- Save them money.
- Help them access capital or financing or find acquisitions or acquirers.
- Grow their revenues, grow their market share, protect and grow their assets.
- Help them recover expenses and compensation following a personal injury.
- Help them through a difficult divorce and achieve the financial stability or protection they need.
- Help them get out of trouble and stay out of trouble.
- Minimize legal and business risk or exposure.
- Navigate complex regulations to stay compliant and out of investigations or enforcement actions.
- Minimize their negative public relations exposure.
- Help them hire and retain employees.
- Help them find and retain customers.
- Make important business or political connections or alliance partner introductions for them.
- Help them sleep better at night!

A strong value proposition:

1. Is compelling and interesting, creating the desire of the prospect to ask and learn more about you
2. Focuses on the client, client needs and how your solutions help the client
3. Differentiates you from your competitors
4. Includes concrete, tangible examples that include metrics/measurable outcomes
5. Could not be substituted as your competitors' value proposition

One of the best ways to identify and test out your tangible benefits and distinctive qualities is to ask your clients how they define your value and what makes you distinctive, especially compared to other lawyers they have known or with whom they have worked. This will prevent you from promoting qualities that are too general or generic and not perceived as valuable, distinguishable or helpful to those who may retain you.

Your value proposition should speak to the tangible results and solutions you bring to their pressing challenges. When possible, every feature should correlate with a benefit, e.g.,

Feature We have 80 lawyers in 5 offices throughout the state.

Client or Prospect: "So what? How does this help me?"

Benefit This enables us to help you resolve disputes and navigate local laws and regulations as you expand into new cities, get access to and have a voice in the state Capitol, and identify potential companies to acquire in other major markets across the state.

Feature We have 8 trial lawyers who have participated in over 300 appellate matters in the state.

Client or Prospect: "So what? How does this help me?"

Benefit Our appellate team, which includes a former Chief Judge, a former solicitor general and four certified appellate specialists, has secured reversals of $5 to $20 million jury verdicts, including the largest punitive damages award obtained by an individual plaintiff in our state's history.

The Value Proposition and Your Elevator Speech
An elevator speech is an opportunity to tell people you meet in a business or social setting what you do or are currently doing in a way that is meaningful to them and conveys benefit. The term is derived from the concept of stepping onto an elevator with a prospect or referral source and having 15-30 seconds during the elevator ride to tell them what you do in a concise way that makes them want to know more about you and your services.

An effective elevator speech will tell people what you do not just who or what you are and provide an interesting, but short and focused, description of the work you do and solutions you provide as well as the types of clients you serve and the general geographic market. You should be able to articulate value and solutions so other people can understand easily, especially if you are speaking with a non-lawyer. Try to relate what you do to current events and reflect passion for what you do.

Poor introduction: My name is Jane Downing. I am a corporate associate at Brown & Todd.
Better introduction: My name is Jane Downing. I am a business lawyer at Brown & Todd where I help small biotech companies form business partnerships with universities and research labs in the Research Triangle in North Carolina.

Poor introduction: My name is John Martinez. I am an IP litigator.
Better introduction: My name is John Martinez and I am a trial lawyer at Pearl & Stone, an intellectual property law firm based in Austin. I work with international computer software companies that are sued for infringing on others' patents or when they believe their own technology inventions have been stolen.

Poor introduction: My name is Jordan Smith. I am a plaintiff's attorney and I handle personal injury cases.
Better introduction: My name is Jordan Smith and I am a trial lawyer with the plaintiff's firm of Cassidy, Letkin and Pandry in Cincinnati. I help my clients evaluate whether they have a valid case against a doctor or hospital that may have made a mistake in treating them or a family member.

Your elevator speech will vary depending upon the other person and the venue. If you truly meet someone in a neutral place, your introduction will be like those above. If you are meeting someone at a more targeted event, e.g., a specific conference on a legal or business issue, an industry program or a bar association event, you will modify your introduction to make it more likely to resonate with those attending the event.

How Bios/Profiles, Practice and Firm Descriptions Convey Value

With this new approach in mind, look at the current versions of your bio, firm and practice descriptions. Make sure that each sentence or description reflects the benefits and value you deliver to clients. Revise them to include specific examples of the outcomes relating to services, issues and industries, examples of representative cases in which you include specific examples of size of transactions or jury awards, types of individuals, companies or industries and the geographic reach of your client representations. Include only information that you honestly think matters to clients, e.g., sometimes bar activities may be less relevant to clients and prospects than business, industry or community and charitable activities. These web pieces should be updated regularly to reflect new successes, insights on new trends and hot issues, and recent speeches or articles on topics that are timely.

25 Tips to Deliver Value and Develop Highly Satisfied Clients Who Become Loyal (and Raving) Fans

1. **Become an active and avid listener.** Don't try to convince clients of all you know or your point of view. Instead, start focusing on the client: his or her needs, interests, and questions. Be genuine in your interest and listen without interrupting.
2. **Define value for each client**. Ask each client what criteria they use to determine the value of legal services in general and then specifically, the level of value you deliver to them and how or why. Be clear on how they will measure your success.
3. **Get to know your clients**. Take time to get to know them professionally and personally, their hobbies and passions, what drives them, what their life goals are. Do some searching on the internet to see what you can find on LinkedIn, Facebook or on their company/organization web site.
4. **Establish firm service standards and protocols.** This is a set of commitments you make to clients about the quality of your services and usually include how quickly you respond to voice and email messages, how you staff matters, how well you will get to know each client, and how you try to meet their goals effectively and cost-efficiently.
5. **Develop client specific service plans.** When beginning work with a new client, discuss their preferences for how, with whom and how often to communicate, how they prefer their billing, whether they want to be included in strategy discussions, whether they want status reports and if so how often and in what format (by email, phone or formal reports).
6. **Use approaches, technology and tools that lead to efficiency.** Continuously evaluate how effectively you manage client projects by using technology, project management protocols and early case assessment.
7. **Don't reinvent the wheel.** Do some research internally and externally to find prior projects and precedents similar to the one you are doing for clients, including reaching out to colleagues who may have done similar cases or projects.
8. **Scope and budget matters carefully.** Break down matters in stages and components and if available, look at previous similar matters for a delineation of time and level of skill needed. Prepare budgets for clients that are detailed and that have certain milestones by which you and the client can evaluate progress and status against the budget.
9. **Manage expectations.** Once you begin working with a client on a new matter, keep the client apprised of the status of the project, discuss any roadblocks or expanding scope of work requested or required especially if it affects the budget, and let the client know when you have added any new professionals to help staff the matter and why.

10. **Be sure your bills are clear, accurate, frequent and transparent.** Some lawyers think billing is an accounting function and that getting them paid is a collections activity. This couldn't be more wrong. Client pay bills when they believe the value you are delivering is in line with what you both agreed upon. They hate surprises, e.g., budget overruns or additional people billing to the file they've never met. Even worse are bills with errors in them or when time billed is over a month old. Call clients in advance if a bill is likely to be more than you estimated or they are expecting. Billing is a chance to see how you are doing relative to the client's perception of value and to nurture the relationship.
11. **Look at alternatives to the billable hour.** If a client is willing, proactively explore retainers, flat or project fees, pricing by stage of work, holdbacks with a potential bonus. Remember that most clients prefer predictability so they can budget for legal expenses in advance.
12. **Consider all staffing options.** There may be a number of ways in which you could get a project completed on a client's behalf. Be sure to delegate what can be done by lower cost personnel – a lawyer, paralegal or project manager -- in your firm or if necessary, by hiring contract staff. Alternatively, ask the client if s/he has anyone available to help with part of the case.
13. **Get to know people who are important to the client.** If a business, become familiar with other key members of the client's organization, including secretaries. If an individual client, get to know who is in their immediate circle of influence and importance. Add all relevant contacts to your contact data base and categorize them by client.
14. **Stay in touch regularly.** Be in contact with every active client at least once a quarter, preferably every month. Make a call proactively just to check in even if you are not working on an active matter with them at the moment.
15. **Always be helpful.** There are many ways you can help clients, in addition to the legal services you are providing. Keep your ears open for other needs clients have, a referral to a doctor or school, an introduction to a banker for a loan, a good real estate agent, a college recommendation for a son or daughter, or a recommendation for a good vacation spot.
16. **Be available and accessible. Try to answer your own phone personally.** At a time when technically, you could be available 24/7, determine with the client what is reasonable. Provide your cell phone number but establish boundaries for when clients should or should not use it. Whatever you do, don't ask your secretary to place a call to a client for you, then have them hold for you. This makes clients feel that your time is much more important than their time. Set an out-of-office response when you will be away from the office for a day or more. Your message should indicate when you plan to return to the office and who clients should contact in your place.
17. **Be responsive.** Respond to all e-mails within four hours of receiving them. If you are not available, ask your secretary to respond for you and indicate when you will respond

personally. Make sure that your voice mail message is client-friendly and helpful. Voice messages should be updated regularly to let clients know where and how to reach you or who else they can call. Doing so shows clients and other callers that you check voice mail often and that their calls are important. Be sure you use a tool that converts any phone messages into emails so you get those in your inbox instantaneously.

18. **Produce excellent work and avoid errors**. Keep others informed of the status of matters by sending e-mails, reminders and copies of correspondence. Avoid last minute demands of clients. Don't wait to send the client a draft of a document they see for the first time only twenty-four hours before it needs to be filed. Share calendars and remind team members in advance of commitments and deadlines. Maintain a tickler system of all ongoing projects and matters for this client and meet deadlines. Make sure all work that goes out is proofread and checked again for typos, grammar and citation accuracy.
19. **Use email effectively and properly.** Try to keep messages as concise as possible, including only relevant text. Avoid using common e-mail abbreviations, e-mail slang, smiley faces and all lower case letters. Address your messages as you would a letter to the recipient (i.e., Dear Ms. Smith or Dear Jane). When you are unsure, stick to the more formal salutation. Use your e-mail subject line accurately and strategically, especially if you are confirming a deadline or asking a specific question. It will help the recipient focus on the critical aspect of your message.
20. **Give away some free time.** Provide some free counseling time and note it on the bill as "General Advice, No Charge." Indicate the amount of time given so that the client can attach value to this free advice.
21. **Seek feedback regularly and formally.** Regularly ask your clients if they are satisfied with your services and those of others whom you supervise. Ask them if there are areas in which they are dissatisfied or the firm could improve. Conduct client satisfaction surveys (by e-mail, telephone or in-person) annually with all clients to get feedback on service. At the completion of each matter, send an end-of-matter questionnaire.
22. **Stay ahead of the curve on trends.** Find out and stay informed about what municipal and state issues clients are faced with. Look for the next big need or trend in your practice niche, market or clients' industries. Read daily news feeds on local and state issues as well as business and industry issues that may affect clients. Set up a Google alert to send you news daily on key issues, clients, practice trends or industries. Let clients know you are keeping your finger on the pulse to bring them new ideas or updates about how other clients may be tackling similar problems.
23. **Add value beyond your representation.** If you represent a company and they employ in-house lawyers or senior management, offer to do a tailored, free seminar on a timely issue. Take business clients to your business/industry seminars and to important political, civic or business events. Inform your client about a good business deal. Try to put clients together who could share business information and opportunities. Offer to "lend" lawyers and support staff to clients when clients are in a crunch, for a week, a month, or even a year.

24. **Think about client problems proactively.** Conduct "preventative" audits to help identify potential regulatory compliance violations, risks and issues before they become legal problems. Develop a manual or prevention checklist for your clients. Point them to free online resources and information.
25. **Constantly look for ways to help clients.** Whether about their legal needs or as importantly, their personal agendas and objectives, keep clients on your radar at all times. Help them as they maneuver internal politics, try to find a new job, advance their own career and expertise; they need school and medical referrals, or introduce them to a civic or charitable leadership opportunity. Clients are people who struggle with many of the same challenges you do. If you are helpful, reliable, resourceful and produce the results they seek, you will engender loyalty and develop client fans who can become your best sales force.

In conclusion, the value you deliver must be defined and perceived as genuine by your clients. Your value proposition must reflect your distinctive expertise and experience that results in client solutions. Value is something that your clients will measure, evaluate and either make referrals of new clients as a result of or become a detractor who may share negative perceptions about you with others. If your value proposition and value delivery are working effectively your practice will reap the benefits because you will:

1. Stand apart from your competitors
2. Make it easier for clients to understand how what you do actually helps them and solved problems
3. Develop loyal and long-standing clients
4. Grow your revenue more easily with loyal clients who send you repeat work and who serve as your best spokespeople for sending you new referrals.