



## **Include Staff In Your Client Retention and Development Efforts**

Ellen Freedman, CLM  
© 2012 Freedman Consulting, Inc.

---

If you're one of the majority of attorneys who think that non-lawyers at your firm have no business being part of your client retention and development efforts, you're wrong. The fact that most lawyers agree with you doesn't make it correct. So let's begin by examining why your staff are essential to your efforts. Then and only then — once you realize they should be — can we address the various ways you can include them.

When it comes to client retention, incorporating your staff in your efforts can significantly impact your success. It's not a mystery what clients want and expect. There are surveys of corporate counsel which tell us that clients want

- **Responsiveness** – how quickly you will respond to various methods of communication from the client
- **Timeliness** – how well you deliver what you promise, when you promised it, regardless of whether or not there is any “real” statutory deadline involved
- **Ongoing communications** – will the client hear from you with status updates frequently, or will they frequently need to contact you in order to make sure you haven't forgotten about them
- **Inclusion in the process** – will you substitute your own decision-making on the assumption that this is the reason the client hired you, or will you take the time to educate the client sufficiently so that they can make decisions for themselves
- **Genuine concern for their success** – clients now want more from their attorneys than ever before; not just someone to “do the deal” but someone who is proactively “watching their back” and trying to identify threats and opportunities for the client

- **Results** –while it is true that repeated failure to obtain desired results will lead to loss of a client, it isn't necessarily true that occasional failure will, as long as you consistently deliver on the other aspects above which define high quality service

Being able to deliver the service and quality that clients desire requires a team effort. It requires that the firm have solid systems and procedures in place. It requires a high degree of teamwork not just among professionals, but between staff as well.

When it comes to workflow, your staff are often the ones closest to the transformation of your skill and efforts into something tangible for clients. They know where the bottlenecks and cracks in the floor are. Often they have solid ideas for workflow or procedure improvement, but are rarely called upon to offer them or even think along those lines. In fact, it is unfortunate that at many firms staff are—inadvertently— given a clear message to keep their noses to the grindstone, and not to think or speak up too much. Or sadly, there is just no mechanism at the firm for good ideas to “bubble up” from the bottom.

Delivering superior service to clients also requires that everyone have their antennae up in order to be able to identify client unhappiness at its earliest stages, and resolve it before it festers into something serious enough to terminate the relationship. Remember that competition is stiff. Every prized client of yours is subject to courting by your competition. There are lots of lawyer hands up in the air vying for attention from your client. Your competitors would love to get an opportunity to demonstrate they can do better. If a client leaves—and nowadays they do so increasingly over service-related issues— you probably will not be able to un-ring that bell. So it's essential that you ferret out dissatisfaction early, and resolve it quickly.

It's a fact that your clients will often feel more comfortable complaining to your staff, than to you. If they don't feel you're being as responsive as they want, in all likelihood your secretary or paralegal will hear about it before you. If they are frequently left to wait in the reception area too long, the receptionist will hear about it before you. If an associate is not being responsive enough to communications from your client, your secretary will hear about it long before you do. If the client feels that they are not receiving sufficient value for their dollar, the bookkeeper, or whomever handles your receivable management, will likely be aware of it before you are. Get the picture yet?

One of the examples I provide at every CLE regarding client development and retention concerns the receptionist. I set the scene as follows: Client A calls for his attorney, and the receptionist informs him that the attorney is



not available, and asks Client A whether he would like to leave a message. Client A explodes in angry exasperation, stating that he has already left several messages over the past two days, and has not had a return call. Client A doesn't want to leave yet another message, he wants to speak to his attorney.

In the first scenario, the receptionist responds, perhaps a little defensively, that she can't really do anything about whether or not the attorney has returned the calls. She explains that it is her job to take the message and deliver it to the attorney. She assures the client that she has done so with the previous messages, and offers to take another message, and deliver that too.

While all of the above statements by the receptionist are very true, does anyone feel this response will do anything to alleviate the client's anger? Of course not. In fact, it probably will further enrage the client, by heightening the level of frustration. This receptionist has not been trained to be a problem solver. She may not even know that should be part of her role. She is demonstrating typical CYA behavior, which instinctually is the natural thing to do when training has not been provided to teach her how to be a problem solver.

In the second scenario, where proper training has been provided, the receptionist responds to the angry client by stating that while the attorney is normally very good about returning calls promptly, an emergency situation has had him tied up for a few days. She states that she is not sure when the emergency will be ended and the attorney will be able to catch up on calls. So she asks Client A whether it would be alright for her to contact one of his team members (substitute for this anything that would be right at your firm, such as paralegal, secretary, fellow partner, associate etc.), to call the client back, in order to see whether they can be of some assistance right now.

Does this alternate response do anything to alleviate the client's anger? Yes. Without doubt. And it might just make the difference in keeping the client from walking down the street to a competitor.

Let's talk about client development efforts. And while we're talking about the receptionist, let's acknowledge that often this person is the manager of first impression. Yet, they are often the least paid, least trained, and most unappreciated staff member at the firm. So it's no wonder that sometimes prospective clients form a bad first impression of a law firm. An impression which may cause them to move on in their search for a new attorney.

How about when the receptionist is at lunch or on break? Who picks up the phone? Usually a secretary, who is even less trained, at least in the operation of the



telephone system, and more resentful at having to do the job. Believe me, it comes through in their voice, and in their responsiveness.

My experience when I call firms and get the "substitute" receptionist is usually pretty raw — I am frequently disconnected, routed to wrong extensions or voicemail boxes, or subjected to unnecessary levels of questioning before being connected to the desired party. When I am disconnected or misrouted I call back. I immediately let the answerer know they made an error. I rarely receive an apology, although I frequently hear the excuse, "I'm just filling in for the receptionist." As if that dismisses them from the responsibility to do the job right.

At the majority of firms which have direct dial extensions, I bypass the receptionist and my call is usually answered by a secretary. Oh my goodness, I could tell dozens of stories about how I am "greeted" by some secretaries. For many, the call is clearly an unwelcome interruption, and they communicate that by their tone and impatience. For all they know I could be the next big client for the firm, but that makes little difference in helping them disguise their dislike of taking calls.

One time in particular the reaction of the secretary was so egregious, that when connected with the attorney, I informed him. I felt he had a right to know how his phone was being answered. His response was that his secretary was the greatest secretary he ever had in every other regard, and he had tried to address it once in the past, but her reaction was so horrible he never "went there" again. Excuse me? Where's the accountability? Can you really afford to lose prospective clients because you don't want to deal with a pouting secretary?

I firmly believe that if the secretary were given a dose of reality about what type of marketplace we're operating in, and how important her actions were to the success of the firm, she might be able to modify her behavior willingly and successfully. But if not, accountability should be a must. Doing nothing should not be an option on the attorney's part.

But I digress. Let's get back on track concerning client development efforts. What most law firms fail to realize is that staff can be important referral sources. Two income families are increasingly the norm. Just because someone works as a staff member at your firm doesn't mean that he/she isn't

- Related to or a friend of someone who could use your services
- Related to or a friend of someone who owns a successful company, or is a high-wealth individual



- Related to or a friend of someone who is influential in the community
- Related to or a friend of someone who might be a good referral source
- In situations where an opportunity arises to recommend you or someone else at your firm

Unfortunately, by not recognizing the rainmaking potential of staff, firms lose out on opportunities all the time. They just don't know it. Hopefully, by this point, you're getting the message loud and clear that you've probably missed out on some opportunities for your firm. The good news is that it's never too late to change that. How do you do it? I thought you'd never ask!

First and foremost, training is key. Your staff must understand marketplace realities. The longer staff have worked at your firm, the more likely they are out of touch with the current marketplace. Maybe they joined you when it was a seller's market, and have no idea it's now a buyer's market. They may not know how stiff the competition really is. They may not know how the bottom line has been squeezed. They may not know how much client pressure you have to hold your rates down. And most importantly, they may have no idea how superior client service can make or break the bottom line.

Staff need to understand how central their role is in keeping clients satisfied, and keeping quality high. They need training in teamwork and communications, because the lack thereof can quickly degrade quality and throughput. Staff infighting can be very disruptive at small firms, where there is no way to "get away" from those one doesn't like. It can increase turnover, which also has a negative impact on quality and throughput. They need to be taught how to get along and communicate effectively, despite personal feelings.

A frequent staff complaint is that they often have no real knowledge regarding the client's matters. Many of you seem to act like you're in the CIA — sharing knowledge only on a "need to know" basis. What you don't realize is that the more informed your staff is about each matter, the better they will be able to prioritize, respond to emergencies, and cover your back when the need arises. When staff members are made to feel like idiots at their jobs because of a simple lack of shared information on your part, they become resentful, suffer low morale, and stop giving their best efforts.

And returning to what was mentioned earlier, they need training in how to be problem solvers. You don't want them committing the unauthorized practice of law, so they need clear guidelines, examples, and especially recognition when they exhibit the desired behavior.



I frequently come across firms where one partner doesn't hear about the achievements of a fellow partner internally. They hear it "on the street" from a colleague at another firm, or from a client or referral source. And they're rightfully angry because often the knowledge would have been beneficial but instead resulted in a missed opportunity with a prospective client. So it should not surprise anyone that staff are even less aware of the achievements of lawyers at the firm. Unless it's "their" attorney, they may not even know who does what type of law, what special credentials attorneys may have, or what makes the firm "different" from its competitors.

I'm fairly certain that every attorney reading this article knows how important it is to have a brand, and an elevator speech. I know that doesn't mean you all have one or both, but at least you know you should. It's just as important that your staff know what your brand is. It's just as important that they have an elevator speech about the firm, so that when they have an opportunity —the same 20 – 30 seconds you wait for — they are prepared to succinctly present the firm in a memorable fashion.

Have you considered giving your staff members business cards? Rather than just being able to mention the firm, it will be more effective if they can hand someone their card. Making it easy for a prospect to remember the name of the firm and get in touch is always a smart strategy. Cards don't have to be of the same quality as yours to be effective. No one expects a staff member to have a 90 lb. engraved card. You can order a generous supply of inexpensive cards directly online from a company like Vista Print, for under \$20/person. If you get a generic card which doesn't have a particular person's name, you can order in higher quantity and get the cost down to about 3¢ per card.

If you have long-term employees, you may want to consider including them on your web site. One of my clients has the secretary's name, email and telephone extension listed right under the attorney's picture on the bio page. It produces a very welcoming, family-like feel for the prospects who visit their web site.

Lastly, you want to make sure you reward extraordinary effort, and most of all, results. I'm not talking about sharing fees with non-lawyers, since we all know that is a violation of the R.P.C. But how about movie tickets for the family? How about a gift certificate to a restaurant for a nice family dinner? How about one extra day off? Oh, and don't forget to publicly acknowledge every success, no matter how small. [If you never read my article "Catch Them Doing Something Right" email me at [lawpractice@pabar.org](mailto:lawpractice@pabar.org) for a copy.]

Speaking of publicizing success, that goes for everyone at the firm. Use your email constructively to communicate and celebrate successes, no matter



how small, as frequently as possible, with **everyone** at the firm. Whether you're sharing a compliment from a happy client, a courtroom win, money raised for a charitable cause, or an honor bestowed upon one of the lawyers, make sure everyone gets to share in the glow of success. After all, success usually attracts more

*A version of this article originally appeared in the April 2, 2012 issue of the Pennsylvania Bar News.*

© 2012 Freedman Consulting, Inc. The contents of this article are protected by U.S. copyright.. Visitors may print and download one copy of this article solely for personal and noncommercial use, provided that all hard copies contain all copyright and other applicable notices contained in the article. You may not modify, distribute, copy, broadcast, transmit, publish, transfer or otherwise use any article or material obtained from this site in any other manner except with written permission of the author. The article is for informational use only, and does not constitute legal advice or endorsement of any particular product or vendor.

