

## Ep #6: What Clients Really Want from Lawyers



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**John E. Grant**

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## Ep #6: What Clients Really Want from Lawyers

In my experience, there are five things that really help explain what clients are looking for in a legal service when they hire a lawyer or another practitioner to help them solve a legal problem. And in today's episode I'm going to tell you what they are. Ready to become a more agile attorney? Let's go.

Welcome to *The Agile Attorney* podcast powered by Agile Attorney Consulting. I'm John Grant and I've spent the last decade helping lawyers and legal teams harness the tools of modern entrepreneurship to build practices that are profitable, scalable, and sustainable for themselves and their communities. Each episode I offer principles, practices, and other ideas to help legal professionals of all kinds be more agile in your legal practice.

Today, I'm going to try to give you some tools that I hope will help you improve how you think about what clients want from a legal service, certainly from your legal services. But of course I'm going to speak a little bit more generally. And going back to a few first principles again, number one, it's essential to keep in mind that agile methods, lean methods, all of these things that I work with, the tool sets that I use, the key focus is on delivering customer value. And being able to take those steps back and think about what it means to create value for your customer.

For the most part here, we're talking about your client, but there are other customers. But this is really going to be a client focused episode. And I think starting with that idea of creating customer value, it helps to define what value really means. And there's lots of different ways to think about it. I boil it down to a pretty simple equation which is value equals benefit minus investment, which is to say, people feel like they are getting good value out of a transaction, out of an interaction when the benefit they receive coming out of that interaction is bigger than the investment they make.

And of course, both of those things are through the lens of the person experiencing both the benefit and the investment, which means that it's

## Ep #6: What Clients Really Want from Lawyers

possible to create a win/win if the person who's providing services is also doing it because they're hoping to get good value and they hope that the benefit they receive from the interaction is bigger than the investment that they make. And those things are not mutually exclusive. This is not a zero sum game, and I think that's one of the first things to keep in mind that is important.

Another thing that I talk about a lot with my clients and in the classes that I deliver is that yes, value has a financial component and money is the easiest way for us to think about value. But really both the benefit side and the investment side are made up of more things than just money. It's time, it's energy, it's resources. These are the things that we invest and I don't think it's a surprise to anyone that in a transaction we are usually willing to invest one of those things in order to receive another. We trade time for money all the time.

We do things that help top off our energy levels, self-care or other things. So those components of the value equation are complicated, they're complex. And again while the actual transaction is often taking place in a monetary fashion, that doesn't mean that that should be the beginning and the end of how we think about value. We've got to think more expansively about it.

The third thing I'll hit on for now is that while we tend to think about value in terms of the big transaction, is the client getting good value from my work on their case or on their matter, there are lots of little exchanges that are going on in the course of you working with your client, with your customer. And they're perceiving value in every single one of those and you should be too. And so it's important to think about when we have these little exchanges down to the intake form that you have people fill out when they're first starting with you.

They should feel like they're getting a certain amount of value out of that experience, even though they're investing, maybe not money yet, but a lot of their time and energy and thought process in filling that out. And if you

## Ep #6: What Clients Really Want from Lawyers

create an intake form, again using that as the example, that looks like pure drudgery, then people's experience of value is going to be low.

But if you create an intake process or a form or a system that actually helps clients maybe gain some insight about what's going on with their situation, or maybe just is well designed and has a nice look and feel to it. So it doesn't look like a photocopied thing that they might get at a doctor's office in 1983. Then I think you're going to go a long way towards improving that client's experience of value relative to the investment they make for that particular thing.

And those little interactions are actually really critical and I'm going to go on a brief tangent here. But in terms of legal project management, legal process management, one of the things I talk about a lot is the need to be constantly recruiting the client to be a team member in their own project. I need to be constantly thinking about how can I recruit them to their own cause? Because especially in people law practices, there might be some good momentum in the early part of a case, of a matter, of a state plan, immigration, whatever it happens to be.

But after people have been in that process for a while, their emotional investment starts to take a toll. Their energy starts to wane. And if you can do little things in those day-to-day interactions or maybe, hopefully, not daily interactions, but those little interactions that you have in the course of helping your client through the matter. If you create a net positive feeling of value in each of those interactions, that's going to go a long way towards helping them feel engaged in helping you help them solve whatever problem it is that they hired you to solve.

I think I said the last thing a minute ago, but I'm actually going to hit one other thing which is that the client is often an unreliable narrator when it comes to communicating what they find to be valuable. Most people most of the time are not used to working with lawyers. And they often see lawyers as being something of an authority figure, which means that it can be hard for them to sort of be open and honest. There's not a lot of

## Ep #6: What Clients Really Want from Lawyers

psychological safety in the early phases of someone's relationship with their lawyer.

And so they may tell you things that aren't the truth or aren't the whole truth or don't really paint the whole picture as far as what they're looking for, for value. And so I think one other thing is, especially those of you that have been practicing for a while and you're doing this, I'm sure anyway. But using your experience over many, many clients that you've helped and trying to build in tools that will communicate value to most people, most of the time.

The quick little thing that I talk about is, if you're a divorce lawyer, probably you need to invest in comfy chairs and probably you need to be buying the good quality tissue paper and not the OfficeMax sandpaper stuff. Because people are going to be having an emotional time in your law office and you're going to communicate a whole lot more value if they do that in a way that makes them comfortable, than if you do that in a way that makes it feel like, well, I'm sort of cheaping out on this thing.

So I want to tell you a little story about something that I've experienced personally. And it goes to the idea that these agile methods and all of these ways of engaging in process improvement, they are experimental methods. We have to try things and see how they perform and then adjust based on what we learn and then try better things hopefully. This is the heart of the Deming Cycle, which is, plan, do, study, adjust, or plan, do, check, act or build, measure, learn. There's lots of different ways that people formulate it.

And so I'm going to talk about my personal experience with the work that I do here in Oregon, with a non-profit law firm called the Commons Law Center. And to give you just the briefest background. I helped found the Commons Law Center back in 2016. I'm one of the original board members. And we are a modest means law firm, which is to say that we are focused on the population that lives between 125% of the federal poverty level and 400% of the federal poverty level.

## Ep #6: What Clients Really Want from Lawyers

And 125% and below is where you are qualified for legal aid, 400% is sort of a cut off where the IRS doesn't think you should be a charity anymore. You tax lawyers may correct me on that, but that's my loose understanding of it. And one of the things that was true at the Commons, we have different pricing tiers. So we originally launched all of our legal services on a sliding scale hourly basis. And we did that with the assumption that we would draw in a lot of people across the different income tiers. And so we have six pricing levels.

And the original thing that we thought was going to be true was that we would draw as many people in tier six, which is that 300 to 400% of the poverty level range as we brought in at tiers one and two, which is the lower end of the spectrum. And our tier one actually covers people from zero to 125% of the poverty level, which means that they're Legal Aid qualified.

Well, what we learned as soon as we put things into practice is that demand at the low end of the income scale was far higher than demand at the 'high' end. And I'm using air quotes for high because 400% is hardly the high end of income but high end for our purposes. So what that meant is we were heavily, heavily weighted at our lowest fee level, which of course is our lowest profit margin work. And again, even though we're non-profit, a big part of our financial structure relies on fees for legal services. And we try to use our philanthropic revenue to stand up programs and to support sort of back office administrative functions.

But we really want the legal services programs to be as self-sufficient as possible based on earned revenue. So the main area of practice for the Commons, especially in the early days, was family law. And again, we were getting a vast majority of people, in fact, even to this day, I think it's over 60% of our demand comes from people who qualify for Legal Aid but have been turned away for some reason, probably because Legal Aid itself is underfunded and they don't have capacity.

## Ep #6: What Clients Really Want from Lawyers

So we are relying on the poorest of the poor people to pay something in order to get the little bit of legal help that they need. And it did not go well. As you might imagine, it's hard to get people to sign up at that level. They were quick to stop paying because paying for a lawyer doesn't rise to the top of your need level when you're struggling to put food on the table or to keep a roof over your head. So it's all totally understandable. But from a business model standpoint for the Commons, it was going to cause us to slowly go broke and eventually go under.

It was this sort of slow moving existential crisis. And so a few years ago we made the decision to stop doing open-ended hourly family law and convert our family law program to a strictly limited scope, which is used interchangeably with unbundled legal practice. And this was a period where I personally was actually serving as the interim executive director, our full-time ED was on parental leave. And so it became apparent to me in that role that we needed to make this change.

And the way that I framed it with the team and with the rest of the board was that it was going to be risky to make this change. And that we might fail if we made this change, but we would almost certainly fail if we kept doing things the way we were doing them. It just was going to take longer. And so we executed what in lean startup terminology would be referred to as a pivot and we decided to just change our model. And I'm not going to deep dive on what is a limited scope practice or an unbundled practice. I'm hoping that you know a little bit about that.

There are a lot of lawyers that are really nervous about that and in fact this is one of the things we ran into is that there's a cultural predisposition against limited scope practice in the profession. Because it doesn't feel like what traditional lawyers have in their head as their concept of what real lawyering really is. You basically agree upfront that you're going to help someone with a discrete problem and you help them with that problem. They pay a small amount of money relative to the size of that problem. And then they're back on their own again after that is done.

## Ep #6: What Clients Really Want from Lawyers

Now, that's not to say that you are abandoning them. In fact, one of the things that we envision and has turned into something that we do in practice is we sort of daisy chain these limited scope contracts, agreements together so that it can approximate something that really looks like full scope family practice. But people aren't on the hook for your legal fees until you've had this discussion upfront that says, "This is what needs to happen. This is what it's going to cost. Do you agree to pay this in order to do this next phase of the work?"

And when we first created this limited scope practice, we were pretty certain that we knew what it was that these low income clients in family law cases wanted to buy. And that was document creation and making sure that the pleadings and the notices and all the technical things that needed to happen in the course of running their family law matter were done correctly. Got filed with the court in the right way. They had the right format. They had all the right information obviously about what was going on in that client's situation.

And so we invested in a lot of document automation. We actually were using a fair bit of it anyway for our own purposes and our own efficiency. But we were trying to really sort of focus on what are the technical things that people need in order to move their family law matter forward and offer those things. And documents were the things that we thought were going to meet that need.

And we did, we invested in making the document automation and the outputs from that automation really simple on the interview process and really elegant for the output so that people could use these good quality documents. We tried to keep our investment low in terms of on a case by case basis where we wanted them to be affordable. And the software that we used made it super easy for people to put some of the work in themselves instead of us doing the typing in order to get to certain amounts of information.



## Ep #6: What Clients Really Want from Lawyers

We invested in making really clear instructions around what people needed to do once they received their documents and give them road mapping information about how that document fit into the context of the larger family law workflow. And we had a steady pipeline of people that we knew needed these documents. We knew that in order to move things forward, they had to make these filings. And our phones were constantly ringing from people that needed help at a stage of their family law case where filing one of these documents was required.

And despite all that, despite all the work we put in and everything that we 'knew about this process', we completely failed to get traction from that product. In fact, our family law program really did almost go broke once we started pushing this document creation process to the exclusion of other types of legal work. Which is to say, even though we as experts knew that this was the tangible thing that people needed, it wasn't what they were looking for. It wasn't what they valued from a legal service.

Now, we also suffered from scope creep and we had a senior advisor who, brilliant lawyer, really amazing person. But had been in practice for a while and really struggled to wrap their head around this idea that once you deliver this one piece of work, that that was it, that we weren't on the hook. We were using the uniform trial court rules in Oregon to be really clear about what the boundaries of the limited scope engagement were. But then our team wasn't sticking to that limitation, in part because we had the senior advisor that wanted to keep doing the next thing.

They were a brilliant practitioner who got a lot of personal value out of solving people's problems. And it didn't comport with their values to cut people off when the contract said that we were going to cut off. So what did we do? Well, fortunately, we hired a newer manager for the family law program who had some experience doing unbundled work at Legal Aid. And this person was really bullish on legal coaching as a standalone unbundled service and they kept it pretty simple.

## Ep #6: What Clients Really Want from Lawyers

Not more than a lightly structured 45 minute conversation where the client was able to give the lawyer some information about their situation. And then over the course of a pretty normal human dialog, the client could get smarter about their legal situation, their strategy, what they should do next to advance their case.

What's more, once we implemented those coaching packages, we learned that clients who purchased one legal coaching session were not only more likely to come back for more coaching, they became more likely to purchase one of our document creation packages when they needed one. And so the question is why? What is it about the legal coaching package that made it so much more appealing to low income people facing a legal problem when the legal coaching isn't actually technically moving their matter forward?

And I think it comes down to this. I truly believe and I'm trying to really spread the word on this, that law at its core is a caregiving profession. And yes, it's one where we're helping people solve significant and impactful practical problems that they're experiencing in their lives. But we're doing it in a way that is providing human level care for the people who are experiencing those problems.

And the thing about these legal coaching packages is that they addressed the human needs, the emotional needs of the client in a far more effective way than the practical needs that the document automation, the document service offering solved. And that it was only after people had their sort of psychological, emotional needs addressed that they were willing and able to get down into the practical considerations around their matter. And it wasn't like we were doing it for free. People pay for those coaching packages.

And since we've made the switch to that legal coaching paradigm, the revenues are in far better shape. We are investing in that product. People are signing up for it. People are becoming repeat clients as a result of it. And they're paying for that upfront. They recognize the value in it. And so

## Ep #6: What Clients Really Want from Lawyers

we as providers have pivoted yet again to really lean into providing those levels of value in addition to the practical things that are needed for the legal matter to go forward.

And I think this is one of the big mistakes we make as a profession. I think this is sort of culturally baked into a lot of the things that we learn in law school. And once we're out in practice about what it means to be a lawyer, is that it's easy to really focus on becoming a good legal technician. On doing the right steps in the dance that are required in order to move a client's matter forward and that we know are necessary. We've got the rules of procedure or whatever process for an administrative agency or if it's deal making, M&A, whatever type work.

Then we use our experience and that of the people we work with in order to come up with a good process for delivering the widget that is legal work. But it's easy to miss the bedside manner component of that. It's easy to miss the social, emotional components that working with a lawyer is stressful. And it sometimes is as stressful for people to be working with a lawyer as it is to be experiencing the legal problem.

I talk about this with my clients a lot, that for a person to even reach out to a lawyer, the problem that they're dealing with has to be significant enough to them that it overcomes their fear and hesitation and sense of risk of working with a lawyer. In case you haven't noticed, the world is sort of culturally predisposed against us, and sometimes for good reason. And so people are reluctant to reach out for legal help. And then even once they do, they're nervous about it. They're not comfortable with that decision.

There's a lot of confusion and uncertainty that they're having to deal with both for their underlying legal issue and for the process of getting help with that legal issue. And of course, we can't over-prioritize the social, emotional things either, because then we're not lawyers, we're therapists. So we have to find the right balance. And here's sort of a rough set of tools that I think can help you do that.

## Ep #6: What Clients Really Want from Lawyers

And the first set comes from Professor Daniel Katz, who is currently teaching at Chicago Kent Law School. He used to be at the Reinvent Law program at Michigan State Law School. And he gave a talk several years back now where he asked the question, “What do people want from a legal service?” And his answer boiled down to two components and only two. Number one, people are looking to mitigate risk. Number two, people are looking to navigate complexity, full stop. That’s it.

And I really love that. I think when I’m working with my clients and when I’m working with the Commons, I really do try to boil it down to, in what way is this overall legal service that we’re delivering, but also in what way are the individual components of the legal service helping clients mitigate risk or navigate complexity? And how do we communicate to them and with them around the ways in which we’re doing that? How do we help people understand, we’re doing this part of the pleading because it mitigates some future risk down the road?

Or how are we doing all of the service of process things because this is just the complexity that is required from the due process inherent in the legal system? And really making sure that the deliverables or the conversations that we have with people are touching on a regular basis, how are we mitigating risk? And the flipside of mitigating risk might be attaining some benefit. But most of the time most people are using lawyers for risk based work, not benefit based work.

So again, how are we helping you mitigate risk? How are we helping you navigate complexity? And I think that’s important. But it’s not the end of it. And so the other half of this line of thinking actually comes from a guy named Eric Meltzer, who you probably haven’t heard of, but he was my law partner for a while. And we actually went into legal operations consulting together. He took his pathway a little bit more into the big law zone. I have tended to stay more in small and mid-sized law.

But he gave a talk at, I think it was the Project Management Conference of The Legal Marketing Association, which is kind of a funny combination of

## Ep #6: What Clients Really Want from Lawyers

things. I'm not sure they have that conference anymore. But he stood up at that conference and talked about what is the nature of a legal service? What are the things that people are trying to get out of it? Again, sort of from the social, emotional level. And he boiled it down to this.

Number one, he said, "Look, what people are looking for from professional legal services isn't that different from what people are looking for in any professional service when they're experiencing a problem." So that it happens to be that lawyers deal with legal problems is irrelevant. That when people encounter problems in their lives, they follow a pretty predictable pattern. The first one is that they try to get information. They try to improve their knowledge.

So I've eventually boiled this down to they engage in wisdom seeking. They're trying to get wiser about what it is that they're facing. And the clearest manifestation of this is what I sometimes call typing into the Google confessional. They almost certainly are going online and trying to figure out, when I encounter a problem like this, what should I know? Or when other people have encountered problems like this, what have they tried to learn? What do they find important? They try to seek wisdom, boiling it all the way down.

What almost inevitably comes next once they've gathered a lot of information is that they start dealing with information overload. And that is obviously the reality of the information age. It's really easy in most situations to get articles. In fact, I think the articles are often of less and less quality for some reason, because now that everyone is SEOing all of their pages, we've devolved as a society into a lot of problem that makes it look like something Google wants to know, as opposed to something that people want to know.

But reasons aside, the reality is, is people become overwhelmed with too much information. So the next thing that they do is try to seek out advice. They try to find someone who is hopefully a little smarter or a little more experienced than they are with the type of situation they're encountering,

## Ep #6: What Clients Really Want from Lawyers

and they say, “What should I do?” And again, for our purposes, that’s the thing that lawyers are great at.

We probably learned, at least I learned in my first year of law school that the essence of lawyering is listening to the fact pattern, the situation that a client finds themselves in. Applying it to our knowledge of the law and statutes in case law and all the rest of it. And then giving people direction, giving them advice. It’s where we draw the line between the unauthorized practice of law by a lawyer or by someone who’s not a lawyer.

And of course, in reality people are seeking advice from non-lawyers all the time. They’re reaching out to friends and family and Reddit threads and you name it and getting that information. So the whole UPL line is a pretty fuzzy one in my book. The reality is, is that for all the reasons I have said before, people don’t want to call a lawyer if they can avoid it. And so they’re going to try to seek that advice wherever they can get it.

The other thing and the problem I think with the way that a lot of legal professionals, lawyers approach that advice giving is that that’s sort of the end of it. We think that is our job as a lawyer is to give good legal advice. And we don’t focus on this third thing, which is even once people get advice about what to do, they’re not going to be really confident in that advice, especially if it’s something they’re experiencing for the first time. It’s hard to go down these unfamiliar paths.

And so the third thing that people are looking for at the social, emotional level from a legal service is a sense of consortium. They want to feel like there is someone who is in it with me. And of course, that’s one of the reasons that they reach out to friends and family first is that those are the people who are more likely to be in it with you. They’re going to be a person’s support group when they’re having a legal issue.

But I think it’s really important as we think about what people value from a legal service to try to figure out ways to convey that sense of consortium to our clients. Because that is the place where they’re really getting a high level of value out of the interactions they have with you. And so if you as a

## Ep #6: What Clients Really Want from Lawyers

lawyer gives someone a bunch of work to do as client homework for whatever piece of the matter you're dealing with, and they sort of get that back to you and you then say, "Okay, thank you. I will get to you when I get to you." That's not conveying a really strong sense of consortium.

That's a very transactional interaction and people, yeah, they might be getting good advice or they might be frankly just getting labor arbitrage where they're hiring you to do work for them. And that's part of it but it's not the essential part, I don't think. Going back to what we learned at the Commons with that transition to coaching is that even though the legal coaching sessions didn't do, maybe quite as much to move the matter forward in a technical way, that one-to-one human dialog created that sense.

Number one, it allowed the person to get information and get advice. So it satisfied those first two social emotional needs of wisdom seeking and advice seeking. But it also conveyed the sense of consortium and that's what I think has allowed that particular offering to be more successful and to get people not just coming back for their own work, but now also referring us to friends and family that are encountering similar situations.

So I'm going to tie that all back together. What do people want from a legal service? Well, there are practical things that people need from a legal service and that is to mitigate risk and to navigate complexity, full stop. But in the course of achieving those practical outcomes, they also need to have these social emotional needs met. And that is the need to seek information, to seek wisdom. That is the need to get advice and that is the need for consortium.

So when I talk about what is a legal service, it is anything that helps you mitigate risk and navigate complexity while helping the client get wisdom, advice and consortium. And I'll leave it at that for now but we'll build on those concepts in future episodes.

## Ep #6: What Clients Really Want from Lawyers

Thanks for listening to *The Agile Attorney* podcast. I'm your host, John Grant. If you found today's episode interesting or useful, please share it with someone who you think would benefit from a more agile approach to their legal practice. If you have any questions, feedback or maybe a topic you'd like to hear me cover, you can reach me at [john.grant@agileattorney.com](mailto:john.grant@agileattorney.com).

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