

## Meeting the Challenges of Client Dissatisfaction

Carolyn Laredo-Fromson\*

*"The first thing we do, let's kill all the lawyers."*

*Shakespeare, II Henry VI, sc. ii, 1.70.*

Last month's issue of *Balance* featured the first part of Carolyn Laredo-Fromson's article outlining some of the major cause-effect factors in the client dissatisfaction cycle.

*Balance* now publishes the second part of her article and again invites practitioners to comment on whether the situation in America is becoming all too apparent right here in our own backyards.

### The Problem Lies Within

Not only is the client dissatisfied with the legal profession, but so are their attorneys. Job dissatisfaction among lawyers is widespread and is growing worse. Many lawyers themselves are filled with self loathing emotions about the legal profession. Attorneys are dissatisfied and disillusioned with a judi-

cial system that has become increasingly hostile and chaotic. Lawyers' dissatisfaction with the profession is a great concern for the profession because "unhappy lawyers mean unhappy clients."

A 1990 survey by the Young Lawyers Division of the American Bar Association identified a number of specific areas of dissatisfaction: 55% of male lawyers and 61% of female lawyers do not have enough time for themselves and their families, and 75% of lawyers cite their jobs as tense and pressure filled. A few of the causes were reported in May 1991 as a decline in collegiality, failure to properly delegate client work, poor communications, and lack of training and mentoring.

The legal profession must recognize

that job-related stress impairs the quality of service the attorney can provide for clients. High levels of stress may undercut the effectiveness of a lawyer. Common sense dictates that whole persons with balanced lives can better provide competent services appropriate for their clients needs and concerns. Long work hours with high expectations for billable time leaves attorneys exhausted and without sufficient time for personal lives. Often the need to bill a given number of hours a week leads to dishonesty.

The message received is that attorneys ignore ethics, integrity and client-care in order to fulfill the billable hour. Law firms are in turn creating young attorneys who lose sight of clients' vulnerability because they are too busy worrying about losing their jobs because they were unable to bill enough hours. Continuing these working habits will not only affect the personal life of the attorney, it will eventually impair the lawyer's capacity to function effectively. Indeed, fatigue impairs one's capacity to make fully reasoned and sound professional judgments while lack of a balanced personal life results in various stress disorders. These stress disorders can be found, in some cases, by the disciplinary committee to constitute neglect. Consequently, many lawyers become disillusioned and leave the practice of law.

### Possible Solutions

The disciplinary system should not be burdened with actions based on incivilities. The chronic under-funding of the disciplinary system means that dealing with such cases would result in more serious cases moving more slowly. Due to the fact that more than ninety percent of public complaints taken to disciplinary systems are dismissed, lawyer conduct that causes dissatisfaction is often better addressed through education or ameliorative actions. The Ameri-

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can Bar Association's Commission on Evaluation of Disciplinary Enforcement, under the leadership of Chief Judge Judith S. Kaye, summarized its findings that better communication between lawyers and their clients and better dispute resolution mechanisms would ease much of the client dissatisfaction.

Additionally, the legal system should enforce its power to remedy abuses in justice in an attempt to put an end to lawyer bashing. Judges have the power to remedy the abuses in the justice system by requiring lawyers to act as officers of the court who owe their first allegiance to the justice system. So long as they continue to turn a blind eye to the serious infractions that result in interminable delays in our court dockets, the abuses and lawyer bashing will continue.

Law firms have to refocus their attention to take care of their talented lawyers and keep them happy in order to achieve a satisfying work environment. A happier, more satisfied lawyer is simply more productive. Improving morale enhances productivity which enables lawyers to achieve their maximum potential. Across the board salary reduction must be accompanied by reduced expectations for billable hours so that lawyers have more personal time.

Furthermore, law firms should not be so quick to hire and fire attorneys. Clients need stable relations with their attorneys and lawyers need to feel secure in their employment.

Law firms should create effective feedback systems for associates along with sending performance evaluations to their clients. The goal of enforcing a feedback system would be two-fold. Attorneys will be able to have a voice in the firm which would increase self-esteem while also allowing the firm to learn of new ways to create a satisfying work environment in order to keep their talented lawyers at the firm. The system would also be able to detect misunderstandings that, if not corrected, could foster resentment and result in dissatisfied clients who might not use the firm's

services again.

In order to create a stable work environment, for both clients and workers, a law firm needs to develop and maintain a team spirit. In order to achieve this goal, a firm must establish leadership. The way to establish leadership is a three part process. First, a firm must keep in touch with clients by sending surveys to clients who will in turn critic the performance of both the law firm and the client's attorney. Second, a firm should plan and adjust the direction of the firm in accordance with the feedback from the survey. Third, a firm must motivate its attorneys to provide quality services to clients.

Many blame the beginning of an attorney's dissatisfaction on law schools. Law schools are blamed for not preparing students with realistic expectations of what the practice of law entails. As a result, graduates have unrealistic expectations about the legal profession that are never reached; thus begins the lawyer's dissatisfaction. Law schools should place greater emphasis on professionalism throughout the curriculum. Law students need training on how to identify clients' desired objectives. Law schools can accomplish this via an increased focus on client-centered representation.

If there is one distinct deficiency or omission in legal education, it is the client and the challenge and difficulties of interacting with clients. Law students are unprepared for meeting with clients in situations of stress nor are they trained in finding solutions that are sensitive to the human as well as legal dimensions of their clients. Many complain that law schools have not been paying enough attention to client services or client counseling in clinical courses. As a result, law students lack interpersonal skills necessary to becoming effective attorneys. "Attention to clients and client services should become a high priority for law schools and a pervasive part of law school curriculum. By investing in the education of lawyers in their clients serving roles, law schools can do something concrete and positive in response to the public's diminishing respect for the law and the increasing malaise in the legal profession."

By learning how to communicate with clients, attorneys might be more

sensitive to their clients needs and better prepared to solve clients problems without litigation. Moreover, attorneys would be able to gather more information that will allow them to be effective and thorough advocates. Either way, whether in or out of court, improved counseling skills will improve client satisfaction while also easing the burden on the judicial system. Currently, the Task Force on Law Schools and the Profession, has reported that there are 280 courses offered by law schools in which counseling is identified as a goal by professors.

Interestingly, the medical community is suffering from the same dissatisfactions as the legal community. One of the major complaints made by patients is that their doctors are not compassionate and have a bad bedside manner. However, like law schools, medical schools do not teach compassion to their students. Medical schools have addressed patients complaints by adding required courses to the curriculum that deal with client/patient relations in addition to creating a "patient-centered" medicine. Moreover, internship hours have been reduced in order to improve the quality and bedside manner of the interns. A recent Association of American Medical Colleges survey found that 117 U.S. and Canadian schools out of the 139 that responded included courses in doctor-patient relations.

In addition to teaching patient care, medical schools also are becoming increasingly aware that if their students are under less stress, they will be able to treat patients with greater compassion. The message that is sent to students is "if you can't care for yourself, you can't care for anyone else." Recent research suggests that both good communication with their doctors and counseling skills is vital, not only to a patient's satisfaction and comfort, but to a patient's health. Without it patients may not reveal important symptoms. Additionally, doctors cannot develop the effective and caring relationships critical to care outcomes and patient satisfaction. Consequently, doctors find themselves frustrated and dissatisfied with their patient encounters as do their patients. Moreover, additional attempts are being made by hospitals to address the criticism of

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the medical profession. Some hospital have distributed questionnaires to patients which give patients the opportunity to voice their complaints.

Furthermore, law schools should decrease the expense of education or increase opportunities for loan forgiveness in order to take the burden off of dissatisfied attorneys who stay in the profession just to pay off enormous debts. A study conducted by educational researchers has found that debts influence the course of life of many graduates. Congress has recently reformed federal student loan program in order to relieve some of the current problems. President Clinton believes that these reforms will give students the choice of repaying loans slowly thus encouraging recent

graduates to choose careers that they find personally rewarding even though it may be a lower paying job. However, some schools are taking a more aggressive approach. Northwestern's Kellogg Graduate School of management is creating a loan forgiveness program for students who take low paying jobs for nonprofit outfits, in government, or teaching. Moreover, Stanford University is trying to develop a program that would allow students to compress undergraduate work into three years in order to reduce the overall cost of education. To the extent that the legal system is able to provide the structural mechanisms to have balanced personal lives, lawyers can represent their clients more efficiently and effectively. Consequently, the fees paid will reflect real value to the client.

Despite the current dissatisfaction with the legal profession, one must not forget that whatever rights people have,

have been won and preserved by lawyers. We must remember that, not very long ago, women could not vote and African-Americans were not permitted to drink from the same water fountains or attend the same schools as others. There are countless acts of quiet heroism that simply go unnoticed and unpublicized. I doubt the public realizes that 50% of all attorneys in the state volunteer their time to needy persons. Additionally, the Lawyer's Alliance reported that there is a threefold increase in the number of lawyers' hours contributed to its projects, some of which aid the homeless, elderly, poor, AIDS victims, and Haitian refugees. It is time to educate the public as to our role in the legal process, as well as to convey more effectively the good that lawyers routinely do with no expectation of compensation or recognition.

We need to remind the public that our profession is still noble.

## Letters to the editor

### Payroll Tax: Default Assessment

I feel it would be wise if you circulated members of the Law Society. In February 1994 this firm received a default assessment (and default penalties) from the Commissioner of Taxes in respect of payroll tax for years 1986/87 until 1992/93 (inclusive).

The default assessment was in respect of what the Commissioner referred to as "other benefits" and specified in some cases "motor vehicles", "loans" and "expense payments".

A similar default assessment and penalty notice was issued to Wardell Nominees Pty Ltd.

The writer lodged the appropriate form of objection. I might say that we received all sorts of request for informa-

tion from the Commissioner over a period of some 21 months until finally the Commissioner advised that "following careful consideration" he had decided to allow the objection.

I really do wonder how many firms have been required to lodge payroll tax returns including the Commissioner's "other benefits".

However it is patently obvious that the Commissioner now realises that he has no right to impose payroll tax on anything but what I might refer to as "straight wages".

It is too late to lodge objections to assessments issued outside of a period of 60 days but members of the society may well be advised to look at what they have included in their assessments in the past and act accordingly in the future.

Peter D James  
Ward Keller

### Medico-Legal Assessments

Dr Ian V Jackson will be visting the Territory to carry out Medico Legal-Assessments. Details are as follows:

#### *Darwin*

**Venue:** Private Consulting Area  
Darwin Private Hospital  
**Date:** Wednesday, 28 February 1996

#### *Alice Springs*

**Venue:** Dr Jackson's Consultation Room  
FAI Building  
**Date:** Friday, 1 March 1996

#### *Bookings*

Bookings to made through Dr Jackson's Secretary by phoning (03) 9420 1428 or fax (03) 427 1514.