



From the Chair...

by Sheldon Warren

Chair of the ABA Standing Committee on Lawyer Referral and Information Service

On page 15 you will find an informative article by Michele Morley about the Modest Means Survey Report recently published by the ABA Standing Committee on Lawyer Referral and Information Service (LRIS). In the article, Morley highlights the modest means efforts of a number of the LRIS programs that responded to the 2008 survey. These programs should be applauded for the valuable service they are providing to the public.

The article also notes the two most common problems reported by the responding services: (1) the perception by members of the public that modest means programs are pro bono programs, and (2) the fact that there are simply more people who need legal services at a reduced fee than there are attorneys willing or able to provide such services. It is these problems I would like to consider in this column.

Addressing the latter issue first, it is an economic reality that a public service oriented LRIS simply cannot be all things to all people. Short of having access to a significant portion of the Troubled Asset Relief Program (TARP) funds currently being made available to stimulate the U.S. economy, an LRIS is not going to be able to meet the needs of every caller.

The sponsoring organization of an LRIS must set clear goals and objectives for that service,

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The Personal Touch: Service Sells the LRIS Referral

by Carol Woods

"Sam was so understanding and helpful! And the attorney he referred me to is great. She has helped other people who were starting a business *and* she understands real estate matters, so she can handle the paperwork for my business *and* help me with the commercial lease I am about to sign. Muchas gracias and thank you."

This client, fictionalized, but typical, called with questions about opening a store to sell her custom-made jewelry. She was hesitant to speak with an attorney because English is her second language and though she was nearly fluent, she was concerned that she might not understand everything the attorney said or that the attorney would have trouble understanding her. Sam, the Lawyer Referral and Information Service (LRIS) Legal Interviewer, listened carefully to understand the woman's concerns and specific legal needs. He explained that she could be referred to an attorney on our Business Law Panel who speaks Spanish, if that would be more comfortable. The client was very relieved to hear this, and even more pleased to learn that the lawyer also practiced real estate law and would be able to advise her about the lease agreement for the space where she hoped to open her shop. She and Sam discussed her availability, and soon he called her back with information about an appointment he had scheduled for her. The questionnaire quoted above expressed her satisfaction with our services and those of the attorney to whom she was referred.

It's an old adage that good customer care is good business, and it is no less applicable to those of us who are in "the business of public service." Since good business and good customer care go hand in hand, it helps to ask ourselves a few questions. What makes up good customer care for clients of LRIS programs? What sets us apart from the plethora of attorney advertising and on-line directories? How can we create and maintain a reputation for excellent service, so that clients will tell their friends, relatives and co-workers about the positive experience they had with us and our attorneys?

Public service LRIS programs offer something not readily available to people searching for an attorney: a live person to talk with, who is both empathetic and knowledgeable. The people who answer calls and respond to on-line referral requests in LRIS offices throughout the country help clients sort through what may be an overwhelming and confusing set of facts and then make unbiased, appropriate referrals. They also provide what no on-line directory or advertisement ever can—a sense that someone cares about their situation.

That personal attention is something we at the Bar Association of San Francisco LRIS try to accentuate in every interaction with our clients. It enhances the service we provide and it makes good business sense. Providing personalized treatment is just one of the factors that account for the fact that about 25% of the clients for whom we schedule appointments retain the attorney to handle their legal matter.

The personal connection extends beyond the first phone call, when our staff introduces themselves by name and explains that they will be calling the client with information about their appointment. When a referral request is received by email, a staff member often follows up by phone to make sure we have the information necessary

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recognizing that if it is to be a success and thus aid the maximum number of potential clients; it must view itself as being in “the business of public service.” The LRIS must operate as a business, realizing that, absent a rich benefactor with unlimited means, revenue must meet, if not exceed, expenses.

“Branding” is a term we hear less since the world economy went into a downward spiral. Businesses have turned their attention to surviving rather than expanding their market share. However, the necessity of developing a strong, identifiable brand is probably more important today than ever. In difficult economic times, consumers most often turn to goods and services they know and trust. It was with the goal of developing a nationally recognized “LRIS brand” that the LRIS Standing Committee introduced the “The Right Call for the Right Lawyer” logo and slogan in 1992 at the annual LRIS Workshop in Denver.

So, how do esoteric marketing strategies involving branding relate to lawyer referral services and their operation of modest means programs? One must first recognize and acknowledge that lawyer referral programs are primarily intended to provide a

mechanism by which the *middle-income* consumer can obtain legal counsel. If an LRIS is to be self-sustaining then its marketing must be focused on this segment of the legal consumer market. The brand of the LRIS should be that of a service that will provide a referral to a competent, affordable attorney.

“Brand extension”, is the broadening of the range of products or services sold using a particular brand. “Brand dilution” is the weakening of a brand through ill-conceived “brand extension”. The risk of the LRIS brand being “diluted” exists when the lawyer referral service attempts to offer modest means, or reduced fee, panels for individuals who are unable to pay an attorney’s standard rate.

Now, does the possible dilution of the LRIS “brand”, by the service maintaining modest means panels indicate that such panels should not be offered? My response to that would be a qualified no. Public service lawyer referral programs are uniquely situated to manage modest means programs. Having said that, operating a successful modest means panel is often extremely difficult. Over the years, many services have been unsuccessful in maintaining such panels for more than a brief period. Unless there is a clear delineation between the LRIS and the modest means panel, it can become difficult to manage

the expectations of clients with regard to the limited services provided through a modest means program. At the same time, the income qualifications of a modest means program can lead clients to erroneously expect that services will be provided free of charge.

Consequently, establishing a modest means program requires careful planning. Panel members must be assured that the modest means panel will be a small (albeit important), voluntary component within the larger LRIS. Such planning could also include talking with those services who responded to the recent Modest Means Survey and finding out what they have done to make their panels a success.

I believe that including the availability of modest means panels in LRIS advertising risks diluting the LRIS brand. Modest means panels should be marketed separately to lower income communities, legal aid organizations and lawyers willing to provide quasi pro bono services. LRIS advertising should focus on its core audience—middle-income consumers and potential LRIS panel members. Again, the latter should see LRIS as a reliable source of fee-paying referrals and the former should identify LRIS as a “brand” they can trust for quality referrals to attorneys experienced in their area of need.

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to make an appropriate referral. We try to provide continuity for clients, making sure that they know they can call back and speak with the same interviewer (although they are assured that others on staff can help, as well.) Legal problems are personal problems, and for many people

it is reassuring to deal directly with an individual, especially someone who conveys both professionalism and concern.

Many clients who contact the LRIS have never had a legal problem before. The fact that they call us instead of contacting an attorney directly sometimes means that they may need a little extra support to have the confidence to meet with a lawyer. We have concluded that

it is not only good customer service, but also good business, to provide that support. After determining what the legal needs are, we work to schedule an appointment, making sure that the lawyer has an overview of the situation and is specifically interested in meeting with this particular client.

It may take several calls before we find an attorney with the

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Modest Means, Bold Programs: ABA Survey a Wealth of Information

by Michele C. Morley

Survey Overview

The ABA Standing Committee on Lawyer Referral and Information Service has conducted a survey of modest means programs every few years and has published the results of those surveys. The 2009 publication of the results of the most recent survey provides extremely useful information for LRIS programs. In addition to charts and text detailing the responses to the 17 survey

questions, the new edition provides contact information for all of the 37 programs that responded this year.

LRIS programs are designed to serve people who fall into the gap between those who qualify for publicly-funded legal aid and those who can afford to have a lawyer on retainer. This number of people in this gap has become larger lately because many people are slipping from the middle

class life style to situations where they have no job, no insurance and no home. LRIS programs want to address any gap in legal services now and in the future. So what are they doing?

Details About Program Operations

The survey reveals that there is a lot of consistency across LRIS modest means programs. Most

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appropriate experience who is interested in the matter and available at a location, date and time that are convenient to the client. Once we have arranged an appointment, we get back in touch with the client, either by phone or email, or both. Ideally, it is the same person they originally spoke with who calls with the information about their appointment. We also encourage clients to contact us again if, for whatever reason, the referral doesn't work out to their satisfaction.

On the other hand, if the attorney does not have the ability to assist the client, the personal attention that the LRIS staff provided is overshadowed by disappointment. Establishing requirements that ensure attorneys are appropriately experienced in the areas of law for which they wish to receive referrals, and having procedures in place that make it possible for staff to cross-reference several areas of expertise, allow us to match clients with attorneys

who *can* help. Arranging the appointment with the attorney and briefing them on the facts of the case minimizes referrals where the attorneys are not able to help.

For us, taking a few extra steps to connect with clients and to make it as easy as possible for them to meet with a qualified attorney has proven to be good business, as well as good customer service. Clients report a high degree of satisfaction. Panel attorneys are retained at a higher than average rate. Perhaps the most significant acknowledgment of our efforts is that among the most frequently cited referral sources are "Friend/relative referred me" and "I used the Service in the past."

Of course, not every caller can be helped directly by a referral to an LRIS attorney. Many callers are better served by a social service or governmental agency. Clients who call thinking they need to hire a lawyer are usually very satisfied with their experience with the LRIS when they instead are given information about an organization that can help with their situation, usually at no charge. In fact, many who say

they used our services in the past were given just such a referral, and having had a positive experience, contact us again when another legal need arises.

Our best efforts notwithstanding, there are some clients for whom we have no referral to offer. Sometimes their legal problem is so inconsequential that an attorney would not be interested in handling it. Even in those cases, if we take care to phrase the message that we can't help them in the most positive and caring way possible, it is likely that we can impart enough good will that the client would feel comfortable calling back later with a different matter.

In these hard times, making the personal connection and conveying concern about our clients' problems not only helps to boost people's spirits, it makes it more likely they will want to use our services again, and encourage their family, friends and coworkers to do the same. You can't buy better public relations.

Carol Woods is Director of the Bar Association of San Francisco LRIS.