

What do Clients Really Want?

Professor Stewart Brymer examines the critical issue of client service. According to Professor Brymer, a few simple things make the difference between loyalty and indifference.

Conveyancing has long been viewed by many as something of a 'black art' or a secret process carried out only by the 'initiate and their acolyte'. That is largely the result of the language and terminology used by conveyancers and those in the residential property business. The conveyancing process is essentially straightforward however, insofar as it involves the transfer of title to a heritable property from A to B free of any real burdens or other restrictions that might render the title unmarketable.

What do Clients Want?

One of the protections given to flat owners is the right to be consulted by the landlord in certain circumstances before works are carried out.

In no particular order, it is suggested that clients want:

- A job well done, on time and for a fair fee;
- To know that they have someone who is on their side;
- Someone who will guide them through the process; and

- To whom they can speak and ask for advice as and when required.

From past experience, clients want their solicitor to communicate with them regularly and to keep them updated on progress. In many respects, the solicitor's role is to translate the legal language that they are accustomed to into language that their client understands.

Having a constant contact is also very important so that clients do not feel that they are being passed from pillar to post at a time of high anxiety for them.

Some have often cynically said that all that clients really want are the keys to the property. That may often appear to be the case but it is, with respect, a gross simplification of the role of the conveyancer as well as being quite condescending to the buyer

How are These Objectives Achieved?

There are, unfortunately, many examples of how not to provide a good service to clients. The biggest source of complaints against the profession and of claims on indemnity insurance generally is currently as a result of poor conveyancing.

The 'pile em high, sell em cheap' approach may work in conveyancing if appropriate systems and safeguards have been built into the process. There are, however, more examples of such approaches that do not work rather than those that do.

That is not to say that it is not possible to create a system that minimises risk to the consumer and yet keeps costs down. Case management systems continue to become more refined.

Any good conveyancing system will use a number of different approaches including client guides, information sheets and, indeed, web-based services such as podcasts. It is good to see examples of innovation designed to keep the client suitably well informed. This can be done in a tailored manner to suit the needs of a particular client.

A substantial part of the conveyancing process is relatively standard and is therefore capable of being commoditised so that properly trained staff can undertake much of the work. Immediately a problem arises however, it is essential that the matter is referred for specialist input. This could be where a title defect is discovered or there are issues surrounding the title and interest to enforce a real burden, for example.

Another area might be where the title (or how it has been assembled) is simply complex or is being transferred for a high value. Such transactions can often require more in-depth attention.

However, it should not simply be high value or complex transactions that merit a personal service. That should be the objective for every client. It is suggested that the essence of a successful conveyancing business is its ability to provide a seamless, personal service to all

its clients be they large or small, seller or purchaser and irrespective of the value of the transaction. This is easy to say but how is this objective best achieved? The answer is in the use of good systems and comprehensive training – including training and communication skills and client care for all those involved in the conveyancing process – not just reception and estate agency staff. Buying or selling a dwelling house can be a very stressful time and the good conveyancer will seek to minimise and certainly not add to this by increasing stress levels.

In my opinion, it is essential for a personal link and a bond of trust to be formed between solicitor and client so that important matters such as missives; real burdens; servitudes/easements and the conveyancing process generally can be communicated properly.

Terms of Business only take matters so far. They are an essential requirement in any transaction and act for the benefit of both the client and the solicitor. It could be said however that Terms of Business are more for the benefit of the solicitor as there is, after all, rarely any consultation with the client or revision to such documents.

It is suggested that opportunities exist for solicitors to differentiate themselves from competition by being better at selling their services and explaining why it is often worthwhile paying a little more for a better quality service.

The importance of face-to-face meetings rather than dealing with a call centre cannot be under-estimated. Clients often want emotional support throughout the course of a transaction – handholding can be a big part of the job. Why not make that a unique selling point?

What Does this Mean for the Future?

I believe that there is a future for a well-structured personal service in residential property conveyancing. Such a service can often be found, but not exclusively, in higher value transactions where the client expects a more “hands-on” service.

There is no reason why such a service should be the exclusive domain of such transactions however. Clients can often make choices based on price. This is not the only consideration however and solicitors need to examine their service and sell that better. It is a service that is being sold after all.

The effective use of technology and much improved methods of communication allow for a far better standard of service to be provided across the board – even in so-called volume conveyancing businesses. There is a perception that volume conveyancing service providers offer a lesser service.

While there are examples of poor service, is that really the exclusive domain of those service providers and is it really fair to describe such providers in this way?

One way for volume business to operate more efficiently is for it to be run on a panel system with conveyancing firms selected after a rigorous application system.

Member firms would then undergo common training and agree to meet the standard laid down in a service level agreement.

Conclusion

In my opinion, the best way to address the issue of service is to put yourself in the client’s shoes. What would you want?

I suggest that it would be someone to speak to; someone who will return your calls; provide updates unprompted and who is prepared to use technology to its and your best advantage e.g. scan and email documents for signature if required.

In short, someone who makes the transaction smooth and who takes some of the pressure away from you during what can be a very stressful time. As Simon Greig said in an article in the November 2011 edition of Back to Basics for Lawyers - a monthly business management briefing written for partners of law firms: “Know your client and make sure your client knows you”.

It is often said that there is little client loyalty these days. This is regularly blamed on difficult economic times and the growth of consumerism. While I understand this point of view I can only say that in my own experience, both directly and indirectly over the years, this is not the case. The most successful solicitors are those who communicate with their clients in an open and informative manner. Clients remember that and tend to go where they feel they are being looked after.

There have been major developments in technology over the past 30 years or so. We can only guess what the future may bring.

Of one thing we can be sure however and that is that change will happen. There cannot be a better time to review working methods and processes to ensure that your business is the best that it can be – for both you and your clients.

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