

# What We Can Learn About the Business of Law

## From TripAdvisor, Steve Jobs, and Our Colleagues Across the Pond

By Victoria Vuletich

“Design is not just what it looks like and what it feels like. Design is how it works.”

—Steve Jobs

**T**here is much talk these days in the legal media and in courtroom and office hallways about the “soft” legal market.

The talk tends more toward the negative than the positive, with plenty of finger pointing and wide-ranging theories. Having been around long enough to see many market cycles, I tend to agree that the market is restructuring significantly. So imagine my surprise to learn that our market is, well, not so bad after all.

This summer I spent five weeks in England studying the new, liberalized legal services marketplace in the U.K. I was stunned to learn the extent of the liberalization and discover its implications for lawyers in the U.S. What is happening across the pond will come here and impact us to a greater degree than we may think or want.

You think our marketplace is competitive? In England:

- Sixty percent of legal services are provided outside of regulated environments.
- There is no equivalent of the unauthorized practice of law in the U.K.

- Individuals and corporations are free to partner with lawyers and law firms in alternative business structures and multidisciplinary practices.

- Twenty percent of solicitors practice in-house and the number will continue to grow—businesses of all sizes are doing it themselves.<sup>1</sup>

Parliament’s goal in liberalizing legal services is to make them more affordable and accessible to the public. There was a prevalent notion that the legal services market did not “work” for consumers, who reported being intimidated about hiring a solicitor. They were afraid of hidden fees. There was widespread belief in government that restrictions on business models discouraged innovation, hampering consumer choice.<sup>2</sup>

As you can imagine, there is currently much bloodletting in the U.K. legal marketplace. Many solo and small firms are closing their doors or entering into strategic mergers.<sup>3</sup> Interestingly though, the firms that are surviving report they are optimistic about their practices even if the market is more competitive.<sup>4</sup>

When I asked leaders of the English legal profession what they are doing to help solicitors and barristers thrive in the new marketplace, there was one overall, but surprising, response: branding and customer service. The repeated response was that lawyers are bad at distinguishing themselves in

the marketplace and keeping clients happy. One leader said, “Law is just like any other service. Our potential clients are used to TripAdvisor and other businesses that make accessing a range of services easy. We are on the receiving end of that expectation and we should realize that consumers will judge us by it.”<sup>5</sup>

Though we will not see the magnitude of change England has seen because of our federal system, we will not be immune from these market forces. Spain, Canada, and Australia have also liberalized who can provide legal services to the public. In Canada, a local Walmart recently added a law firm to one of its stores.<sup>6</sup> There is simply no way we can regulate against these types of market forces. Nor should we if the public will benefit from it. LegalZoom and others are here to stay.

This is where Steve Jobs comes in. The reason the public turns to LegalZoom and similar providers is because from the public’s point of view, hiring LegalZoom “works better” than hiring a lawyer—for several reasons. In the long run, we know LegalZoom and other such providers don’t always work better than hiring a lawyer. But the public doesn’t know that until long after purchasing a legal document.

That means the burden is on us to win back the hearts and minds of the public. Think about your practice. How do you show potential clients the value is not in

How do you show potential clients the value is not in obtaining a cheap document but in the relationship—in hiring you?

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obtaining a cheap document but in the relationship—in hiring *you*? How are you ensuring that your practice “works” for your clients? Are you helping your clients solve their problems—or just handling their legal matters? Those are two very different things. How accessible and inviting are you? How hard do potential and existing clients have to work to connect with you? How are you ensuring that your clients are satisfied?

Our colleagues across the pond are busy learning how to brand themselves in the marketplace. How do you distinguish yourself on “the shelf space?” Most consumers presume all lawyers are competent, so the choice quickly becomes about other factors—convenience, reputation, access, and feel. How does your branding make potential clients feel about you? (After all, choosing a lawyer is usually an emotional, not an intellectual, choice.) Many attorneys practice the same area of law as you—why should the consumer choose you? What is special about you?

The happy answer to all these questions is that each of us has something special we can use to brand ourselves and help us stand out on the shelf.

The question for the profession as a whole is this: What about our real competition—the financial advisors, accountants, and other professionals providing legal documents and services that work really well for their clients’ purposes—eliminating any need for those clients to separately hire lawyers? Such incursions will only increase. The thinking in the U.K. is that it is better to join forces and serve clients in a way that is the legal, comprehensive customer service equivalent of TripAdvisor. (No one is advocating a wholesale move to online delivery platforms, but you get the general point.) We may not like it, but our clients will.

One of the shared characteristics of a profession and all successful companies is

a devotion to the public and the customers they serve. Professions and companies that do not keep their customers’ interests foremost do not succeed. The disruptive change occurring in our world will force us to demonstrate our devotion in foreign and sometimes uncomfortable ways. Lawyers are resourceful and smart, though, and I am eager to see the wonderful ways our members will create practices that work for their clients. ■



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#### ENDNOTES

1. Conversations with Warren Smith, Christina Blacklaws, and Chris Kenney (summer 2014). Please contact the author if you would like additional information.
2. See, e.g., Office of Fair Trading, *Competition in professions*, available at <[http://webarchive.nationalarchives.gov.uk/20140402142426/http://www.offt.gov.uk/shared\\_offt/reports/professional\\_bodies/off328.pdf](http://webarchive.nationalarchives.gov.uk/20140402142426/http://www.offt.gov.uk/shared_offt/reports/professional_bodies/off328.pdf)>. All websites cited in this article were accessed August 15, 2014.
3. See Solicitors Regulation Authority, *Breakdown of firm closures by reason* <[http://www.sra.org.uk/sra/how-we-work/reports/data/firm\\_closure\\_breakdown.page](http://www.sra.org.uk/sra/how-we-work/reports/data/firm_closure_breakdown.page)>.
4. Bindman, *Smaller may be better to thrive in new legal world, report suggests* (March 20, 2014), <<http://www.legalfutures.co.uk/latest-news/smaller-better-thrive-new-legal-world-report-suggests>>.
5. Conversations, n 1 *supra*.
6. Weiss, *Is Wal-Mart law coming to the US? Retailer adds lawyers on site for Toronto-area shoppers* <[http://www.abajournal.com/news/article/is\\_walmart\\_law\\_coming\\_to\\_the\\_us\\_retailer\\_adds\\_lawyers\\_on\\_site\\_for\\_canadian\\_](http://www.abajournal.com/news/article/is_walmart_law_coming_to_the_us_retailer_adds_lawyers_on_site_for_canadian_)>.

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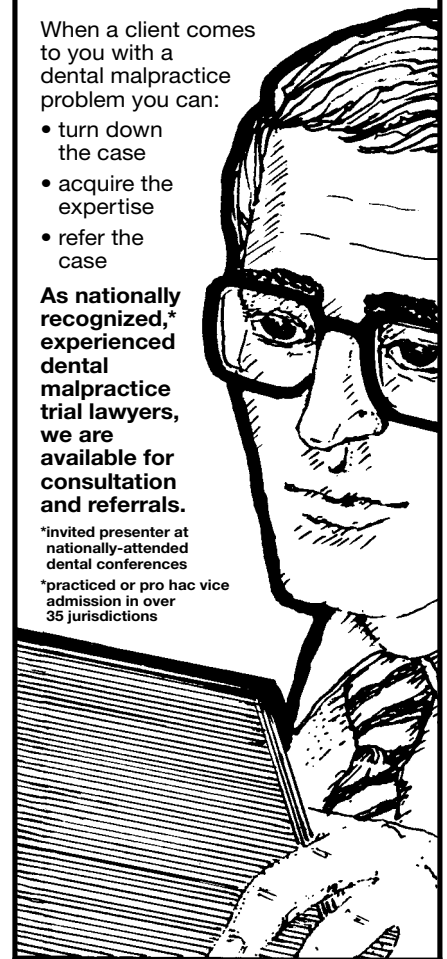
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