

How to choose a lawyer

By John Gould | 28 November 2016



Do we need a common system for monitoring client satisfaction?

The Competition and Markets Authority is worried. It has learned that 'interested parties' are concerned the legal services sector may not be working as well as it should be. The CMA thinks one problem is that people are not using lawyers enough – their legal needs are 'unmet'. Even when people do hire a lawyer, the CMA thinks their methodology in choosing one is flawed. This, it seems, is all linked to a lack of information.

The CMA's identification of the 'problem' depends on questionable assumptions. First, that a person with a 'legal issue' needs a regulated lawyer – they may not. Competition from businesses clearly identified as unregulated is a good thing.

Second, that people are wrong to think a lawyer's services would be too expensive for many problems – given the number of minor legal issues in everyday life, they would usually be right. For most people, legal services are a significant expense and must be used cautiously.

Third, that it is a problem most consumers rely on previous experience or recommendations when choosing a lawyer. Personal experience and recommendation are good ways of choosing a lawyer.

Fourth, that the 72% of survey respondents who felt able to judge the quality of a lawyer before choosing are deluding themselves. If people believe that they can judge quality, then to conclude that they cannot requires evidence.

The main barrier to comparison is the huge variety and customisation of the legal services that people want and need, not the information available about them. If the market is manipulated to shoehorn services into identifiable products, price comparison would be easier, but provision may be less well-suited to each purchaser's actual need.

If the CMA interim report feels like a template solution in search of a problem, the Legal Services Consumer Panel's report *Opening up data in legal services* is better focused on the challenges of achieving real benefits. The SRA has also produced *Regulatory data and consumer choice in legal services*, which invites debate on what information the regulator should publish about firms.

There is a danger that different objectives become confusingly intertwined. Regulators should operate in an open and transparent way to give the public confidence they are doing their job, and hence confidence in those they regulate. Where they have information about firms, they should generally publish it. They should not, however, take it upon themselves to

gather information so as to act as a kind of legal dating agency between public and providers.

Regulator information is unlikely to help consumers choose a lawyer. Complaints and negligence claim information will only differentiate a tiny minority of firms. The information will mostly lack context and is more likely to be misleading. Disciplinary information may warn off consumers from particular firms, which may or may not be fair and proportionate in the circumstances. The overemphasis on adverse information could undermine the confidence in lawyers generally necessary to encourage access to legal services. There is a strong case, however, for making comprehensive regulator information easily accessible.

The drive for more consumer information seems to ignore the huge increase in online information. Firms now provide more information about their services, personnel and experience than ever. This is not to mention social media.

So what would help consumers identify quality? Some firms already monitor client satisfaction. This can be done by a small number of simple questions relating, for example, to value or communication. The results can be expressed as numbers and published by firms. The regulator or the assessors of quality marks could require a common basic system including audit and publication.

Perhaps competition from unregulated providers offering easy-to-understand fixed-price products will eventually change the market, but in the meantime better information provided on the basis of enlightened self-interest looks like the best bet.

John Gould *is senior partner at Russell-Cooke*

John Gould
Senior Partner
+44 (0)20 8394 6542
John.Gould@russell-cooke.co.uk

www.russell-cooke.co.uk