

LSB discussion paper - Quality indicators in the legal services market

Introduction

My view is based upon experience of interacting with consumers, solicitors, and barristers as a barrister's clerk, CEO and legal tech founder. At Quartz Barristers Chambers we have embraced the positivity that comes from seeking feedback whether that be positive or negative and our ability to reflect and improve.

With the development of Barrister Link due to come to market later this year, my vision is to create a seamless transactional method of connecting consumers and barristers based in part, on feedback evaluation.

Question 1: We are proposing to think about quality in terms of these dimensions: technical quality, customer service and outcomes. What do you think about these elements and are there others we should consider?

Technical quality is important but difficult to measure against, especially when the client is not legally trained or their expectations do not match what is procedurally correct, in accordance with the law or regulation to which the provider must abide.

The client will know what good customer service should look like; this will be personal to them. The provider must always strive for satisfaction and can continuously evaluate, reflect, and improve.

Outcomes will be tricky to measure, and careful thought is needed here. There are few occasions when cases are clearly won or lost, and the criteria can be interpreted in different ways by different people e.g. a client may avert significant costs and stress by receiving strong advice or representation but the client may not see it that way because their expectations were not met and perhaps were unrealistic. A provider would say this is a win, the client may not.

A commercial DCT needs to be aware of the technical requirements that must be factored within the feedback process; simply applying their own arbitrary terms of service is not fair to the lawyer but more importantly all future new clients who will read the review.

LSB Question 2: We are proposing to encourage use of these types of information: objective data, consumer feedback and general information about providers. What do you think about these types of information and are there others we should consider?

Objective data is important providing easy access for clients to check disciplinary records and sanctions. However, I believe it should also be clear in regard to formal complaints that were dismissed and not upheld so as to give a balance. Some areas of practice will, by their very nature, attract higher levels of complaints. I would suggest an indicator based on percentages and measured against a national average.

A fair and measured consumer feedback evaluation is paramount, taking into consideration the feelings of the client and their evaluation of customer service. This must also be balanced against

technical knowledge, something they would not be qualified to assess. I believe that only a legal focused DCT can achieve this because they will drill down into the specific detailed questions aligned to different practice areas and outcomes.

By including general information about the providers, the consumer can take a more holistic approach to evaluating the best provider for their need.

LSB Question 3: Which groups of consumers and/or types of provider should action in this area focus on?

Those consumers seeking a lawyer for the first time will have the greater initial need but then those returning consumers should have the confidence to return and review via the DCT prior to connecting again with a provider. I feel that SME's could benefit hugely from using a commercial legal DCT to evaluate choice, this group is by far the least likely to engage a provider at a stage that would benefit them. Small businesses lose in the region £40billion per to per annum due to legal problem, as stated in the LSB State of Legal Services report 2020.

LSB Question 4: Should there be a base level of transparency on quality across the market and enhanced transparency in priority service areas? What should a base level of transparency on quality consist of?

Yes, in my opinion this is best achieved by a commercial legal DCT which can extrapolate practice specific feedback data to give the consumer a holistic overview. Feedback could take the form of a balance score card which will go beyond giving a star rating.

The base level of transparency should cover the elements mentioned in the previous 3 questions.

LSB Question 5: How useful could consumer feedback, objective data and general information about providers be in informing consumer choice? What are the benefits and drawbacks of these types of information?

Legal services are a 'grudge' purchase and consumers, in the main, would rather not have to engage lawyers. It is therefore crucial that the consumer can build a relationship with the right provider suited to their legal need. In my opinion the DCT must be legally focused and have a proven knowledge and understanding as to the nuances of lawyers and the legal market.

As I have mentioned previously, a holistic approach is required. The questions which need to be asked of the consumer and the evaluation of the overall data must be presented in such a way that the consumer who, does not know what they need when first visiting a DCT site, can be signposted to their perfect legal solution in a few simple steps. In my experience the simpler the interface the more complex it is to build.

LSB Question 6: What role, if any, should success rates and complaints data have in informing consumer choice? Is there other quantitative data that would be helpful to inform consumer choice?

What is success? This means different things to different people within legal proceedings. It may be controversial but a judicial appraisal or peer to peer appraisal from opposing lawyers could factor. I would say that if the client/provider relationship begins with a clear set of expectations, they should then be measured as to whether the engagement was successful.

LSB Question 7: Which of these different channels – law firms’ websites, DCTs, a single digital register –do you think could be most effective in providing access to information on quality? Are there other channels we should consider?

A law firm/chambers website should include feedback and should be linked to commercial legal DCT’s. Transparency requirements stipulated by SRA/BSB and other regulators should support this implementation.

DCT’s should be free to innovate but work closely with the legal regulators. It is my view that it is imperative they have a core understanding of the legal market, lawyers, and consumers. It cannot be presumed that simply any tech provider can build a feedback platform, or any commercial entity can commoditise legal feedback for a fast buck. There must be a passion for making the consumer/provider engagement a seamless and positive one.

I believe a single register could seem autocratic, consumers are already fearful of the law and legal proceedings, and lawyer providers would feel huge pressure that their every move is being watched.

The cost would be prohibitive for the development of a single register, we haven’t yet seen the full implications of costs to regulators due to Covid-19 and I would assume their members would prefer support and investment in their survival and allow a commercial legal DCT to bear the cost of development. However, I do feel that the LSB and regulators should work closely with a select few specialist legal DCT’s.

Paul Wright, CEO

Quartz Barristers & Barrister Link