

Perceptions of Lawyers: The Client's View

A Study for The Florida Bar

**Prepared by
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Executive Summary Of Findings

Penn + Schoen Associates is pleased to present the following report and strategic recommendations to The Florida Bar. As was stated in the Request For Proposals to conduct this research project, the goals of this research are to:

- ✓ Identify and assess current perceptions of lawyers in the State of Florida
- ✓ Determine the underlying forces behind these attitudes
- ✓ Determine to what extent these attitudes are held, and what, if any, steps the Bar could adopt to impact positively on these attitudes

In order to accomplish the goals outlined in the RFP, a research design was developed incorporating both survey and qualitative focus group research. First, a series of 8 focus groups was conducted across the state in last April and early May with individuals who had contact with an attorney over the course of the past year. A detailed outline of when and where focus groups were conducted is presented in the focus group report in section 3 of this report. All focus groups were moderated by senior Penn + Schoen staff.

A survey questionnaire was then developed by Penn + Schoen and The Florida Bar to examine the issues and opportunities identified in the focus groups. The survey

of 400 individuals in Florida who had contact with a Florida attorney during the past year was conducted from June 26-July 5, 1995.

The following report seeks to highlight the findings of the research, and to present the recommendations and strategic plan that Penn + Schoen has developed in responding to the specific questions and issues raised by your RFP.

The report is broken out in several sections:

1. An executive summary detailing the major findings and conclusions of the study, as well as the major strategic recommendations emerging from the research
2. A detailed examination of the survey
3. A detailed presentation of each of the 8 focus groups

We have also attached an appendix containing the actual responses to the open-ended verbatim questions asked in the survey.

Summary Of Findings And Recommendations

The research has indicated that impressions of attorneys can be segmented into three categories:

- ✓ **42%** who say they are favorable toward attorneys, and volunteered positive or neutral responses to the open-ended "first word or phrase" question
- ✓ **25%** who are "unfavorable" toward attorneys, and volunteered negative responses to the questions before them
- ✓ **28%** who are "ambivalent," and fall in the middle. This group is comprised of those who are generally favorable to attorneys, but continue to express negative comments concerning fees or the attorney-client relationship.

The segment of 25% who are unfavorable, and express negative sentiments, carry impressions that run deep and would be hard to shift. Furthermore, the segment of 42% who are favorable, and express positive comments, are not of particular interest, since they are pleased with their attorneys and have positive or neutral impressions of attorneys as a whole.

However, the key to this research lies in the fact that there is an "ambivalent 28%," which does have generally positive attitudes toward attorneys as a group. **At the same time, they do have two specific concerns, which continue to drive them to express negative perceptions of attorneys as a whole:**

- ✓ **Financial concerns, related to high billings, billing practices, or a general sense that attorneys are most interested in collecting fees**
- ✓ **Concern with the attorney-client relationship and the way attorneys operate**

What the research has shown is that this segment – the "ambivalent 28%" -- expresses a strong desire for improvements and enhancements to the attorney-client relationship which would directly address their concerns and negative impressions of attorneys. This group is most typically comprised of professional men and women, age 35-49, from both upper middle income and upper income levels. It's significant to note that people in this group tend to be opinion leaders who help shape the attitudes of others within their sphere of influence.

Furthermore, the research has shown that enhancements to the attorney-client relationship result in a direct improvement in overall perceptions of attorneys.

Thus, we believe that the Bar has an opportunity to directly impact on overall impressions of attorneys by focusing on the attorney-client relationship. While addressing other, exogenous forces behind impressions of attorneys would be difficult, steps which the Bar could take to renew a commitment among attorneys to customer service would be effective, and would be well received.

→ Indeed, efforts by the Bar to directly impact on the "ambivalent 28%" segment's key concerns -- fees, and the attorney-client relationship -- would directly enhance the experiences this group has with its own attorneys. This, as the research conclusively indicates, would result in an enhancement of the impressions these individuals carry of attorneys in general.

Specifically, the customer service initiative which we envision would focus on:

1. **Billing procedures and fees must be explained and outlined to clients to ensure that they are comfortable and understand precisely how they will be billed as their case unfolds**
2. **The critical importance of communication with clients, specifically, ensuring clear, timely, and empathetic communication between an attorney and his or her clients**
3. **Reminding attorneys to make it clear to their clients that they have recourse, should they be dissatisfied or uncertain about the services their attorney is providing to them**
4. **Providing on-going education to the public concerning the legal system, legal terms, and the attorney-client relationship**

The research has shown that these four issues are critical in determining the impressions individuals have of their own attorneys. At the same time, the research has shown that *impressions individuals have of their own attorneys are critical in determining perceptions of attorneys as a whole.*

Thus, by implementing a targeted, strategic customer service program -- not cosmetic changes or simple public relations -- The Florida Bar could begin to make inroads in improving the perceptions that Floridians who use lawyers carry about the profession and its practitioners as a whole.

Major Findings

- **Current Perceptions Of Attorneys**

Floridians who have had contact with Florida attorneys during the past year have generally positive impressions of attorneys as a whole. However, a closer examination of the data from the survey reveals that a sizable portion of those who had initially said they had favorable impressions of attorneys were more mixed in their judgment

Indeed, as the following charts from the survey will illustrate, Floridians who have had contact with attorneys appear to have a generally favorable attitude toward attorneys:

Thinking in general, would you say you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable impression of lawyers?				
	Very fav.	Somewhat fav.	Somewhat unfav.	Very unfav.
All respondents	32	37	15	14

As this chart shows, 69% of Floridians who have used an attorney say they are favorable toward attorneys, while 29% say they are unfavorable toward them.

As will be argued below, it would be misleading to interpret this data as suggesting that there are two types of basic impressions of lawyers -- a strong majority of 69% that is positive, and a small minority of 29% that is negative. This conclusion flies in the face of any other data that has been reported concerning attitudes toward attorneys, and indeed, such an interpretation would ignore several other key questions asked in this survey.

Rather, a closer examination of the data and particularly the open-ended responses concerning "first words that come to mind" -- reveals a somewhat more complex picture of the Florida public. As the chart below illustrates, when asked the first word or phrase that comes to mind when they think of lawyers, 54% of the entire sample offered a negative comment.

What words or phrases first come to mind when you think of lawyers?	
	% of all respondents
Positive comments	23
Negative comments	54
Neutral comments	11
Miscellaneous/other	12

(note: actual responses to open-ends are contained in Appendix A and in the text of the full quantitative report)

Thus, on a cursory glance at the data, it is apparent that a strong majority (69%) are initially favorable toward attorneys. But, it is also the case that a majority (54%) of the sample made a negative comment about attorneys when they were first asked about lawyers.

The key to this somewhat complex issue lies in the fact that ***of the 69% who said they were favorable toward attorneys, 40% offered a negative comment.*** In other words, a substantial segment (28%) said they are favorable toward attorneys, but *still* offered a negative response on a verbatim, open-ended basis.

A model can be developed for examining respondent attitudes which suggests that -- rather than two distinct impressions of attorneys, those who are positive, and comprise a strong majority, and those who are in a small, negative majority -- there are more likely three types of individuals who have used lawyers in the state.

Attitudes toward attorneys expressed in the survey can be segmented into the categories outlined in the table below. This segmentation is accomplished by grouping respondents together according to their response to the question concerning "favorability," as well as the open-ended response they gave on the "first word or phrase" question. Thus, a respondent who said he/she was "unfavorable" toward

attorneys, and offered a "negative" comment, would be classified as an "unfavorable/negative" respondent.

Favorable/ Positive 42%	Favorable/Negative or Raising Cost Concerns 28%
Unfavorable/ Negative 25%	

Therefore, in assessing impressions of attorneys, we have developed three segments:

- ✓ 42% who say they are favorable toward attorneys, and volunteered positive or neutral responses to the open-ended "first word or phrase" question
- ✓ 25% who are "unfavorable" toward attorneys, and volunteered negative responses to the questions before them
- ✓ 28% who are "ambivalent," and fall in the middle. This is the group comprised of those who are favorable, but continue to express negative comment or express concern about the cost of legal services.

The key for this research is the identification of this third "ambivalent" segment of the population. This group, comprised of 28% of respondents, is typically "somewhat favorable" toward attorneys, and does have positive impressions of them in terms of such issues as providing access to justice or being a positive force in society.

However, people in this group do have concerns about the influence of money on attorneys and the relationship attorneys have with clients, and believe that attorneys are most concerned with their own interests, not the interests of their clients or justice.

First, this "ambivalent 28%" is clearly concerned with the role that money plays with attorneys. In fact, fully 60% of them cited "money" (that attorneys "only care about money," or that attorneys' "bills are too high") as the negative response that they gave. Thus, a key in shifting the attitudes of this group of respondents will lie in addressing issues *which can be impacted* concerning lawyers' fees, and, perhaps more importantly, ensuring that clients feel that they have gotten their money's worth from their attorney.

Secondly, if we return to the issue of "favorability" toward attorneys, we will see that this "ambivalent 28%" segment is most likely to be "somewhat" favorable toward attorneys:

Thinking in general, would you say you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable impression of lawyers?	
	% who said very favorable
Favorable/positive	59
"Ambivalent 28%"	33

Thus, while 59% of the "favorable/positive" group is very favorable toward attorneys, only 33% of the "ambivalent 28%" segment would agree.

The underlying factor behind this difference in favorability lies in the fact that this "ambivalent 28%" is also concerned **specifically about the way attorneys and clients interact.**

First, it is important to again note that these individuals do have positive opinions of attorneys in general. As the following table indicates, this "ambivalent 28%" said 2:1 that lawyers play a positive role in society, somewhat less than did the "favorable/positive" segment. In other words, this group is generally favorable toward attorneys on "general" issues.

In general, do you think lawyers play a positive role in society, or do you think lawyers play a negative role in society?			
	Positive	Negative	Don't Know
Favorable/positive	81	8	11
"Ambivalent 28%"	60	27	13

Thus, although the segment of "favorable/positive" respondents is more positive toward attorneys on this key question, the "ambivalent 28%" agrees that lawyers do, indeed, play a positive role in society.

However, this is not the case when these segments are probed specifically concerning the way lawyers operate with their clients. As the following table shows, there is a clear difference between the "favorable/positive" segment and the "ambivalent 28%" segment on this issue.

Do you think lawyers are most interested in serving the interests of justice, of their clients, or of themselves?			
	Selves	Clients	Justice
Favorable/positive	29	46	15
"Ambivalent 28%"	53	33	7

While respondents who were "favorable/positive" felt that attorneys are most interested in meeting the needs of their clients (46%), those who were in the "ambivalent 28%" segment expressed the opposite view. In fact, a majority of those in the "ambivalent 28%" segment said that lawyers are most interested in meeting their own needs.

Thus, the "ambivalent 28%" expresses generally positive impressions of attorneys, but also has specific concerns about the role money plays concerning attorneys, and the attorney-client relationship itself.

- **Demographic analysis**

As the following table shows, the "ambivalent 28%" is most likely to be composed of professional men and women, age 35-49, who are also most likely to be in upper-middle and upper level income levels - people who tend to be opinion leaders and influence others' attitudes.

Demographic Subgroup	% in "ambivalent 28%"
Gender	
Men	51
Women	49
Age	
18-24	10
25-34	21
35-49	43
50+	23
Profession	
Professional	31
Manager	12
Skilled Labor	13
Homemaker	4
Retired	12

Thus, the "ambivalent 28%" target group is comprised mostly of:

- ✓ Men/women (51%/49%)
- ✓ Individuals age 35-49 (43%)
- ✓ Professionals (31%)

There were some other interesting demographic differences concerning attitudes toward lawyers. For example, women tend to view lawyers considerably more positively than do men. As the following chart illustrates, while 62% of men say they are favorable toward attorneys, 76% of women would agree. (And conversely, while 35% of men have a negative impression of attorneys, only 22% of women do.)

Thinking in general, would you say you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable impression of lawyers?				
	Very fav.	Somewhat fav.	Somewhat unfav.	Very unfav.
Men	27	35	18	17
Women	35	41	13	9

Furthermore, women are more likely than men to believe that lawyers play a positive role in society. In fact, while only 47% of men agree that attorneys play a positive role in society, 64% of women do so.

In addition, younger Floridians tend to view attorneys considerably more positively than do older Floridians. For example, as the following chart illustrates, while 20% of those age 18-34 have negative impressions of lawyers (on the favorability scale), 27% of those age 35-49 do, and 38% of those age 50+ do.

Thinking in general, would you say you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable impression of lawyers?				
	Very fav.	Somewhat fav.	Somewhat unfav.	Very unfav.
Age 18-34	28	52	11	9
Age 35-49	31	39	13	14
Age 50+	36	24	21	17

Another example of this age gap in impressions of attorneys can be seen in terms of perceptions of lawyers as having either a positive or negative role in society. Indeed, the percentage that views lawyers as playing a positive role declines directly with age. While 67% of those 18-34 say that lawyers play a positive role, only 53% of those age 35-49 agree, and even less (47%) of those age 50+ would agree.

- **Conclusion**

The key to this research lies in the fact that this "ambivalent 28%" carries attitudes and impressions which the Bar can address, as will be argued below.

Specifically, this segment of the "ambivalent 28%" has two clear concerns -- fees and the billing structure, and a concern with the way attorneys operate. There is clear evidence in the research that the Bar has an opportunity to make a direct impact on these two concerns -- leading to an improvement in perceptions of attorneys as a whole.

- **The Importance Of Enhancing The Attorney-Client Relationship**

What the research has concluded definitively is that a key underlying factor in determining individuals' perceptions of attorneys is their own experiences with attorneys.

→ Thus, efforts to improve the client-attorney relationship would have a positive impact on the impressions individuals carry of attorneys as a whole.

In examining the differences in perceptions of attorneys, we identified two

key groups: those who had been very satisfied with their attorney, and those who had been less than very satisfied. The following set of tables seeks to outline the difference in perceptions of attorneys between these key groups:

- ✓ **Those who said they were "very" satisfied with their attorney**
- ✓ **Those who said they were less than "very" satisfied with their attorney**

As the table below illustrates, individuals who say they were "very" satisfied with their own attorneys have markedly higher perceptions of attorneys than do individuals who were less than "very" satisfied.

Thinking in general, would you say you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable impression of lawyers?				
	Very fav.	Somewhat fav.	Somewhat unfav.	Very unfav.
Those very satisfied with own attorney	51	37	6	4
Those less than very satisfied with own	10	40	26	23

There is a dramatic difference in perceptions of attorneys in general based on an individual's own experiences with an attorney. In fact, while 51% of those who were "very" satisfied with their own attorney say they are very favorable toward lawyers in general, only 10% of those who were less than very satisfied feel that way. Thus, there is a 41 point difference in favorability toward attorneys, based solely on whether or not the individual had been "very" satisfied with his/her attorney.

Furthermore, generally, Floridians feel that attorneys play a positive role in society.

In general, do you think lawyers play a positive role in society, or do you think lawyers play a negative role in society?			
	Positive	Negative	Don't Know
All respondents	56	31	14

However, as the table below illustrates, individuals who were very satisfied with their own attorney are significantly more likely to say that attorneys play a positive role in society. In fact, they say attorneys play a positive role in society by a 3:1 margin.

In general, do you think lawyers play a positive role in society, or do you think lawyers play a negative role in society?			
	Positive	Negative	Don't Know
Those very satisfied with own attorney	67	21	12
Those less than very satisfied with own attorney	42	42	15

However, individuals who were not as satisfied with their own attorney came out even on this question, with 42% saying positive and 42% saying negative.

Clearly, impressions of attorneys in general are closely linked to one's own experiences with an attorney. **Thus, taking steps to improve upon the attorney-client relationship would have a direct impact on overall perceptions of attorneys.**

Thus, the second key finding of the research lies in understanding that impressions of attorneys in general are made "on the front line." That is, a

client's interaction with an attorney is largely related to the impressions the client will carry of the legal system as a whole.

Thus, steps by the Bar to improve customer service through tangible, concrete actions would clearly impact on impressions of attorneys as a whole.

- **What Other Underlying Forces Are Driving The Impressions Individuals Have Of Attorneys?**

As the above section elaborated, personal experience with an attorney is clearly a determining factor in creating some of the positive and negative impressions that individuals bring to the table concerning attorneys.

But another key focus of this research which was not included in the survey -- and the key reason that focus groups were incorporated -- was to garner an understanding of any other underlying forces which may be driving the seemingly overwhelming antagonistic and cynical view the Florida public brings toward lawyers. In other words, what factors outside the attorney-client relationship could account for the negativity that we witnessed in the focus groups and survey?

There are several major areas we would point to in answering these questions:

- ✓ **The abuses in the system respondents read or hear about with regard to frivolous lawsuits**

Clearly, a major component of the negative feelings individuals expressed toward lawyers -- particularly in the focus groups -- comes from stories they hear about abuses in the system, from the McDonald's "hot coffee" settlement to loopholes that

free criminals who are clearly guilty. They feel that lawyers act to enrich themselves, and will accept any case, as long as it pays.

Even with regard to contingency fees, respondents said that lawyers only have such fees so that individuals will bring more lawsuits, in hopes that they will settle and the lawyer will make a large percentage off the settlement. **In other words, they see lawyers as encouraging abuses in the system as a means of enriching themselves at the expense of the public good.**

- They have created this whole feeding frenzy. They have created that themselves or maybe we have as well ... You go to McDonald's and buy a cup of coffee and you spill it and you sue. [That's not right.]"
- "When a lady spills a cup of coffee on her lap and is awarded \$7 million, I think something is wrong there."

✓ **The "tacky" advertising by lawyers on television and billboards**

Another issue that respondents expressed deep rooted resentment toward was the advertising that some attorneys use to encourage business. This is, of course, directly tied in to the sense that lawyers encourage abuses in the system. In fact, while discussing advertising, respondents were quick to cite personal injury attorneys who run these ads, secure lists from hospitals, and look for accident victims as a major image liability for the profession.

- "[Legal advertising] makes a lawyer look like a joke."
- "I think it [advertising] takes away from their professionalism."

On this issue, the survey provided clear confirmation that attorney advertising has had a negative impact on Floridians' impressions of attorneys. Indeed, 43% said that such advertising has had a negative impact on their impressions of attorneys. On the other hand, a strong majority (77%) felt that lawyers should be allowed to advertise if they choose to (although only 26% said they would choose a lawyer who does advertise).

✓ **The "media circus" that respondents see on television, i.e. the O.J. Simpson trial**

In addition to advertising, the lawyers that individuals now see on television clearly damage the image of the profession, and more directly, have brought respect for the legal system to very low levels. The O.J. Simpson trial has confirmed, for many of the people we spoke to, the image of lawyers as people who have abandoned reason and common sense, and instead look to loopholes and technicalities to get their job done.

But perhaps more importantly, such television coverage has reinforced the sense that lawyers will do and say anything for money, and that in fact, the only people who

have access to the full attention and efforts of an attorney are those with "deep pockets."

- "If you watch any of the O.J. [trial, you realize], there is something wrong with our system."
- "It's the big people that get off, it's not the little people ... it's the big people with the big bucks."
- "Justice is not equal If you have the money, you can have F. Lee Bailey, Robert Shapiro, Johnny Cochran.... [If you don't, you cannot]."

✓ **A sense that the system is controlled by lawyer-politicians who aim to enrich themselves, not serve the needs of the public**

Perhaps one of the strongest underlying factors driving the negative perceptions of lawyers is a more general sense that there is something wrong with government. Judging from discussion in the focus groups, there is perhaps a widely held misconception that most politicians are lawyers. So it's likely that anger and frustration with government translates very easily to lawyers and the law itself. Specifically, the law is seen as burdensome and complicated, with too many regulations and protections created by lawyers to "justify" their existence."

This conservative turn that the country is taking, with its anger at regulation, the upper-class who can afford justice, and at government interference, is also taking its toll on the legal profession.

- "[They have] created all these laws to justify their existence . . . snowball of people that produce nothing."
- "How many congressman are attorneys? ... How many governors are attorneys? ... Who makes the laws? Laws are made by lawyers [for lawyers]... What do we get in the end - a kiss in the ear?"
- "[Laws] are written too complicated. They're supposed to be written for the average citizen, they are not."

✓ **A feeling that American society has changed for the worse**

Lastly, the individuals we spoke to -- especially those who remember World War II and then America of the 1950's - expressed a longing for a time when people trusted each other, and relied on a handshake not a contract, and did not sue if they fell down in front of a neighbor's house. The feeling that something larger has changed about America was not necessarily directly expressed as anger at lawyers, but is clearly a driving force behind the intensity of negative feelings toward the legal profession.

- "Years ago there was ... handshake ... honesty How did we get where we are today?"
- "We've got to get back to where a man's word is his bond."

- **Introduction To Strategic Recommendations**

As we argued in our RFP, addressing all of the underlying factors driving negative impressions of attorneys would be an impossible undertaking. However, the research has conclusively shown that one underlying factor – personal experience with attorneys – **can be impacted upon to improve overall impressions of attorneys.**

We believe that you have an opportunity to make significant inroads with the segment of the population we have identified as the "ambivalent 28%" – those individuals who are mixed in opinions concerning attorneys, and carry opinions which are not as deeply ingrained as the other two segments we have identified above.

As the following table shows, these individuals are generally satisfied with their attorneys.

Thinking back on your own experiences with your past one or two lawyers, how satisfied were you with the way your lawyer served you as a client?				
	Very sat.	Somewhat sat.	Not Very sat.	Not at all sat.
Favorable/positive	70	26	1	1
"Ambivalent 28%"	60	29	8	3

However, *there is a 10 point gap in "very" satisfied between the "favorable/positive" segment and the "ambivalent 28%" segment.* This suggests that improvements in client relations among this group would be welcome, and would begin to impact on a key underlying factor behind the negative impressions they carry concerning fees and the attorney-client relationship.

This notion, that improvements in the attorney-client relationship would be welcome and effective among this "ambivalent 28%," is the focus of the argument which will be made below. Indeed:

This group of the "ambivalent 28%" is most interested, of all the segments we spoke to, in seeing improvements and enhancements to the attorney-client relationship.

As we outlined above, concrete, specific improvements to the attorney-client relationship -- not superficial changes or public relations gimmicks -- would then directly enhance perceptions of attorneys in general.

- **The Customer Service Initiative:**

We tested a number of different elements concerning the attorney-client relationship, from issues concerning communication to billing to recourse or third party involvement in their case. *What the research has shown is that there is an overwhelming interest in seeing certain specific, concrete improvements made to the way attorneys deal with their clients, particularly among the segment we are designating as the "ambivalent 28%."*

We have identified four key areas which the Bar could potentially address as part of a targeted customer service initiative. **What we envision is a specific outreach to the Bar's members, reminding them in general of the importance of customer service, and at the same time, outlining specific areas and issues which their clients have identified as concrete ways of enhancing customer service.**

The four areas are:

1. **Billing procedures and fees must be explained and outlined to clients to ensure that they are comfortable with and understand precisely how they will be billed as their case unfolds**
2. **The critical importance of communication with clients, specifically, ensuring clear, timely, and empathetic communication between an attorney and his or her clients**
3. **Reminding attorneys to make it clear to their clients that they have recourse, should they be dissatisfied or uncertain about the services their attorney is providing to them**
4. **Providing on-going education to the public concerning the legal system, legal terms, and the attorney-client relationship**

- **Specific Components Of The Customer Service Initiative**

1. **The first area in which The Florida Bar could potentially seek to make specific improvements in the attorney-client relationship concerns fees and billings:**

As noted previously, a key in improving the attorney-client relationship, and indeed, in enhancing perceptions of attorneys as a whole, lies in determining specific ways that lawyers could better address the issue of billing their clients and in establishing fees for their work. **This is particularly true among the "ambivalent 28%," for whom lawyers' fees are a key factor behind the negative perceptions they continue to associate with attorneys.**

What the research has shown is that there are several concrete steps which The Florida Bar could encourage its attorneys to consider as means of addressing this issue.

For example, it is critical that attorneys take the time to explain the fee structure to their clients before beginning work. As the following table shows, 51% of respondents said that such a discussion of fees was an "extremely" important suggestion for attorneys to adopt in enhancing customer service.

Lawyers should sit down and explain the fee structure, or the way they are going to bill clients for their services, at the first meeting.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	51	44	4	2	0
"Ambivalent 28%"	56	41	2	1	0

Furthermore, as the chart above also indicates, this specific improvement was received *even more positively* by the target group. Among those who were in the "ambivalent 28%" only, 56% said that having attorneys explain the fee structure at the first meeting was extremely important.

Another example of the critical importance of addressing issues concerning charges -- and the relative importance of this issue to the "ambivalent 28%"-- can be seen in the following table:

Lawyers should explain ahead of time what the billing rates will be for any staff involved in the case.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	44	44	6	2	2
"Ambivalent"	47	43	8	1	0

We see that, among all respondents, 44% say that attorneys explaining ahead of time who will be involved in the case and what their billing rates would be is "extremely" important. Again, among the "ambivalent 28%," this number is somewhat greater, with 47% saying this suggestion is extremely important.

→ **Specific steps to encourage attorneys to improve on this aspect of their relationship with clients is critical in enhancing the image of the profession as a whole.**

→ **Other examples of specific areas which tested out well where attorney-client relations can be improved upon include:**

- ✓ **Encouraging attorneys to explain how expenses like Xeroxing or stamps will appear on the bill at the outset of the project**
- ✓ **Reminding attorneys to explain the retainer structure in cases where an up-front payment is required**

- ✓ **Encouraging attorneys to ensure that billing is done on a regular and timely basis**

2. **The second key area which The Florida Bar should communicate to its members concerns the critical importance of communication with clients:**

For example, the research indicated very strongly that reminding attorneys of the importance of speaking in simple, understandable terms would be particularly effective in enhancing the attorney-client relationship. **Indeed, this specific suggestion was the best received of all initiatives tested in the research.**

As the following table shows, 60% of respondents said that it was "extremely" important that attorneys take the time to explain things to their clients in simple, understandable terms.

Lawyers should take the time to explain things to their clients in simple, understandable terms.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	60	36	2	0	0
"Ambivalent"	69	30	1	0	0

Furthermore, among the "ambivalent 28%," 69% said that this was an "extremely" important suggestion for attorneys to adopt as a way of enhancing customer service.

Another example of the importance of regular, timely communication with clients can be seen in the following table.

Lawyers should provide clients with a status report of their case at regular intervals.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	46	43	8	2	0
"Ambivalent"	57	35	7	0	0

Thus, 46% of all respondents say that a regular status report concerning their case would be "extremely" important. At the same time, 57% of the "ambivalent 28%" would agree. This is in keeping with the finding that the "ambivalent 28%" are concerned about how their attorney operates. Implementation of such a suggestion would clearly be welcome.

→ **Efforts to remind attorneys that they should be clear, empathetic, and should maintain regular contact with clients would be very effective in enhancing the attorney-client relationship.**

→ **Other specific examples of this component of the customer service initiative include:**

- ✓ **Encouraging attorneys to take steps to improve service to clients, including returning phone calls or being available to their clients**
 - ✓ **Asking attorneys to explain to clients at the initial meetings what the strengths and weakness are of their case, as well as the likely outcome**
 - ✓ **Encouraging attorneys to explain at the outset of the case who in the legal office will be working on the case and what responsibilities they will have**
 - ✓ **Estimating a time-frame for the case at the outset of the relationship**
 - ✓ **Reminding attorneys of the importance of empathy and caring -- in other words, of fundamental interpersonal skills, and of maintaining a proper "desk-side" manner with their clients**
 - ✓ **Encouraging attorneys to review the specific qualifications that he/she brings to a case**
 - ✓ **Emphasizing to attorneys the importance of accepting criticism and suggestions from clients**
- 3. Reminding attorneys to make it clear to their clients that they have recourse, should they be dissatisfied or uncertain about the services their attorney is providing to them**

A clear example of the importance of this to clients can be seen in the following table. As the table indicates, 40% felt that this suggestion was "extremely" important, with an additional 34% saying it was "very" important.

There should be a mail-in survey or evaluation form so that people can report on lawyers who have done a particularly good job, or on lawyers they may have had problems with, when their case is over.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	40	34	16	4	3
"Ambivalent"	42	37	19	1	0

And, as the table also shows, this suggestion of a mail-in evaluation form was seen as "extremely" important by 42% of the "ambivalent 28%," and as "very" important by an additional 37%.

→ **Efforts to remind lawyers, and their clients, that they do have recourse available to them is yet another example of a specific suggestion the Bar could recommend to its members as a means of enhancing the attorney-client relationship**

→ **Other examples include:**

- ✓ **Reminding the public that attorneys do indeed have to answer to a third party, The Florida Bar, which enforces standards of ethics and professional conduct.**
 - ✓ **Informing the public about options they have for recourse through the Bar, should they feel they need it**
- 4. Providing on-going education to the public concerning the legal system, legal terms, and the attorney-client relationship**

Another key finding of this research lay in the fact that *less than one-third of all respondents had seen a pamphlet or brochure explaining legal terms or what they*

could expect in their case. Indeed, only 28% said that such brochures were available to them.

Furthermore, as the following table shows, a strong majority of respondents were interested in seeing pamphlets and brochures available to them:

Lawyers should have pamphlets and brochures available explaining legal issues in simple terms.					
	Extremely important	Very important	Somewhat important	Not very important	Not at all important
All respondents	37	41	13	7	2
"Ambivalent"	34	34	22	7	3

Thus, 78% of all respondents, and 68% of the "ambivalent 28%," said that it was important for there to be pamphlets and brochures available to them.

- **Conclusion:**

Clearly, then, The Florida Bar has an opportunity to work with its members to generate a newfound commitment to customer service. This commitment should be communicated to members at every opportunity, if the Bar is to begin making inroads into the perceptions and attitudes Floridians who use attorneys express about lawyers.

In other words, simple cosmetics or public relations will not suffice. A renewed commitment to customer service -- from explaining the fee structure at the first meeting, to maintaining regular contact with clients, to generating access to public education materials -- entails regular communication with members and a concerted effort from the Bar to ensure that this initiative is employed effectively. We believe that such an initiative should be backed up by regular communication to the public, informing them that the Bar is indeed taking such steps to improve customer service, to maximize the effectiveness of the initiative.

What the research has shown, above all else, is that **this renewed commitment to customer service would have a direct impact on impressions of attorneys in general.** While the Bar could not make inroads on exogenous, general forces like the O.J. trial, this customer service initiative which we outline here would make a difference, and would begin shifting public attitudes toward lawyers in a positive direction.