complain when their expectations are not met.

Nearly 12% of the complaints received during the 2016/2017 year were about lawyers either failing to confirm their instructions or acting without them. About 22% of complaints received were about inadequate communication from the lawyer. How many of these complaints could have been avoided if the client and lawyer had engaged in a meaningful discussion at the outset to establish their expectations?

Fee complaints

The other major source of complaints is fees. Complainants often complain they were charged a fee they were not expecting or prepared for. Communication and expectation, again, are often at the heart of these matters. If the client is aware of what will increase your costs this may provide them with some feeling of control over this aspect of your relationship.

More often than not, the client will have received the required client care information (including your terms of engagement) however, they will have either forgotten what it said, failed to understand it, or simply not read it – an altogether human trait when faced with a long and detailed contractual document. This highlights the importance of setting out some key features in a way that is accessible and understandable to your clients and which they can read at a glance.

Based on the complaints it receives, the Lawyers Complaints Service believes that improved communication at the outset of the lawyer-client relationship could make all the difference. Not only could a number of common complaints be avoided, it could lead to a greater retention of clients and repeat instructions. A better relationship makes for a happier client.

What can you do?

It is up to you to choose how you want to address the issues set out above.

The Lawyers Complaints Service suggests providing the summary as a covering document to your standard terms of engagement. You can add your law firm's logo.

It highlights the key features of the lawyer client relationship and is designed to encourage discussion and interaction. It is not meant to replace the client care information. It is designed to help both parties establish their expectations and encourage clients to raise issues directly with their lawyer.

Anything that can improve your first impression and avoid being the subject of an unnecessary complaint is surely worth considering.

The summary can be downloaded from the NZLS website by navigating to For Lawyers ▹ Regulatory Requirements ▹ Client Care. Lawyers can use this version or alter it to meet their specifications. Some points of the summary, such as the information about fees, may not apply to every situation and lawyers are encouraged to edit as necessary.

The Lawyers Complaints Service would appreciate any feedback on the above article or your experiences if you decide to adopt the short one page summary terms of engagement. Feedback can be directed to *TOEfeedback@lawsociety.org.nz*.

Lisette Solis has been employed by the New Zealand Law Society to analyse complaints and other communications considered by the Lawyers Complaints Service.

PRACTICE

The disruptors are coming

BY **VALERIE BLAND**

They are invading every industry! You have been warned!

In fact, they are already here amongst us...

It may be the impact of Halloween occurring when this article was being finalised, but it seems easy to fall prey to a gothic horror vibe when describing recent trends in the delivery of legal services and the impact of the fourth industrial revolution. However, since I have recently set up my own firm, Extra Law, and interviewed a couple of others in similar Alternative Legal Services Providers (ALSPs), I can – as one of those 'disruptors' – show the invaders in a more friendly light.

What makes legal services 'alternative' according to overseas commentators is that "they are delivered by a model that departs from the traditional law firm delivery model, for example, by using contract lawyers, process mapping or web-based technology" [Thomson Reuters Legal Executive Institute, in partnership with the Georgetown University Law Centre for the Study of the Legal Profession and the University of Oxford Saïd Business School: *'The 2017 Alternative Legal Service Study – understanding the growth and benefits of these new legal providers'*. And, I discovered, although New Zealand's ALSPs are part of a worldwide phenomenon stemming from technology advances and value for money drivers, the individual manifestations can come about for very human reasons.

Extra Law is the latest of the three ALSPs featured in this article to commence business (October 2017). Helen Mackay's new firm, Juno Legal, began in April 2017 and Sarah Taylor joined lexvoco in July 2017 as part of the expansion of lexvoco's operations from Australia to New Zealand, which began in 2016. All three ALSPs look to provide their clients with lawyers on a flexible basis delivering legal services as a temporary team member within the organisation.

lexvoco



Sarah Taylor's ILANZ scholarship paper (*Valuing our Lawyers: The untapped potential of flexible working in the New Zealand legal profession*) was the catalyst for lexvoco approaching her to join them. Lexvoco's values, including "life's first; work's next" and "think differently", resonated with Sarah and she leapt at the opportunity to have a platform to implement many of the findings from her paper, including the ability to connect great lawyers with in-house legal teams when they need help. The fact that Sarah could work on her own terms, while also continuing to work as an in-house lawyer at Tasman District Council, sealed the deal. Sarah likes the fact that lexvoco doesn't just offer a resourcing solution, but also can also propose other continuous improvement solutions for in-house legal teams. This includes the use of technology such as the MyDay app, developed out of lexvoco's Australian technology department, that recently was a 2017 Legal Innovation Index winner. As Business Development Manager for lexvoco, Sarah's role is to make the connection between the client's need and the right solution, which may involve people, technology, or a process or system improvement.

Juno Legal

As for Helen Mackay, she didn't see why the legal profession needed to be so binary – you either had to work all hours of the day or you got out. Her primary driver in setting up Juno Legal was greater equity in the profession: providing a vehicle for talented lawyers who wanted flexibility in their legal practice, either because of their business interests on the side or their parental responsibilities, or because they were 'wise heads' wanting to achieve a later career/life balance. From a business point of view, Helen identifies with the Richard Branson school of thought, that happy employees means happy clients. Juno Legal also helps in-house legal teams lift their performance and sharpen their focus through their consulting practice and provides information technology consulting for legal teams, via their experienced legal technologist, Matt Farrington.





Extra Law

Extra Law arose out of my own experience as a government in-house lawyer. At times, I wanted to find on-demand experienced temporary team members to share the workload, but couldn't. So it's a personal crusade with a simple message: clients are busy and sometimes they just need an experienced extra pair of hands in their team as quickly, seamlessly and cost-effectively as possible. I previously worked in private practice, but working as an in-house lawyer in government felt right, just as it felt wrong to be too busy to give individual pieces of work the attention they merited. Creating my own ALSP law firm has been fun, and Extra Law is a vehicle to provide benefits for future team members as well as for myself and fellow government in-house lawyers. Benefits such as limiting unhealthy stress, fully utilising all of our legal training for a more rewarding experience, facilitating career progression, and assisting the Government Legal Network with its goal of increasing collaboration of lawyers in government. As well as just getting the interesting work done.

Although we don't completely agree on a label – I like Alternative Legal Services Provider, whereas Helen likes "Bespoke Legal Services Provider", and Sarah prefers not to use a label – we can agree that innovation is a key feature of what we are doing. As practitioners pioneering a new option of providing legal services, we see the advantages that its inherent flexibility can provide to clients, and even how it can enhance rather than disrupt the legal service provided by traditional law firms. And we are not afraid to collaborate on an occasional article like this one...

So perhaps it seems less like a horror movie and more like the 'giving and receiving' vibe of Christmas. Disruptors, like Extra Law, lexvoco and Juno Legal are here, but we're out to show that our presence can be a good thing – even a present.

Extra Law founder Valerie Bland
valerie.bland@extralaw.co.nz worked in private practice for 15 years and the Ministry of Education for 5 years before establishing Extra Law Ltd.