

This Week's Feature

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The Scarecrow, the Lion, and the Tin Man: What *The Wizard of Oz* Can Teach Lawyers About Client Service

by Sandra J. Wunderlich

We all know the story of Dorothy's quest to find her way home and the three unlikely characters who she meets along the yellow brick road: the Scarecrow, the Cowardly Lion, and the Tin Man. Each of these characters represents a virtue that Dorothy needs for her journey back home: brains, courage, and heart. Ironically, these are the very same characteristics that lawyers should hone in their quest to set themselves apart from other lawyers by providing exceptional client service.

Let's start with brains—every client wants a smart lawyer. Not just book smarts, but common sense, too. There is a difference. To be sure, clients want a lawyer who knows his or her area of the law. This means real experience in that area, and staying abreast of the latest developments in the field. That's the main reason why a client hires a lawyer—to benefit from his or her specialized knowledge in a particular area of the law.

More than knowing how to find and apply the law, however, a client wants a lawyer who understands the client's industry, business, and more importantly, situation. To advise a client properly, a lawyer needs the whole picture—not just all of the facts and the law involved in the suit filed against the client, or the financial transaction that the client wants to close, but the issues facing the client's industry as a whole and the client in particular. This includes trends in the client's industry, the economic pressures in the client's business, and the uniqueness of the client's operations and

products or services. It also includes having an understanding of the direction that the client wants to take the business. This means really listening to the client rather than just talking to the client. As aptly noted by the Scarecrow, “Some people without brains do an awful lot of talking, don’t they?”

Obtaining this aggregate knowledge allows the lawyer to become a trusted advisor in all aspects of the business rather than just the matter at hand. This could lead to advice regarding changes in procedures to avoid future litigation, or adoption of best practices in other areas of the business that will create efficiencies that benefit the bottom line. Hiring a lawyer who knows his or her stuff is important, but it is just as important that the lawyer knows the client’s stuff.

A client also needs a lawyer with courage. Courage has been defined as tenacity, confidence in the face of adversity, or simply boldness. Every client fully expects the company’s lawyer to represent the company’s interests with tenacity. Every client wants a lawyer who will boldly pursue the best interests of the company in all matters.

Just as important as the courage that lawyers need to confront adversaries is the courage that lawyers need to offer independent and objective advice to a client. A lawyer wears two hats in this relationship—counselor and advocate. It takes courage to fill both of these roles. Courage could mean being brave enough to give the advice that the client needs to hear but may not want to hear. It could also mean giving recommendations to the client that may mean the end of a matter, or that a suit won’t be filed, or that a transaction will not go forward. It means facing potential issues proactively rather than waiting to see if the client notices. For example, a courageous lawyer calls a client before sending a bill that is higher than expected. It also means giving a client the bad news before he or she learns it through another source. It means insisting on frank conversations that need to occur for the lawyer–client relationship to develop into a trusted business partnership. This definition of courage is what clients should expect from their lawyers.

Finally, every client wants a lawyer with heart. *[Insert your favorite lawyer joke here.]* This trait in particular is one that is often overlooked by clients when hiring a lawyer, yet it might be the most important one. Clients look for lawyers who are specialists in their field, and those who are tenacious in the face of adversity. Unfortunately, clients often don’t realize the importance of empathy when choosing their lawyers. Empathy includes caring about a client, caring about the outcome of the matter at hand, and caring about the client’s business goals. It means really listening to the client and finding a way to solve the client’s problems and meet the client’s goals.

At its core, the law is a specialized service industry. The most knowledgeable lawyer in the field does not do a client justice if he or she does not understand the client’s business, or understand the goals that the client is trying to accomplish, before employing a strategy in the matter. The definition of success in a given matter should be defined by the client, and understood by the lawyer. That might mean a full-on defense, or it might mean an early resolution with minimal fees. It could mean an alternative fee arrangement that delivers value for a fair price.

No matter the situation, empathy starts with a heart-to-heart conversation between a client and the client’s lawyer to determine the direction to take a matter so that the lawyer is truly acting in the client’s best interests. Empathy is putting yourself in the client’s shoes throughout the life of the matter. This includes assuring that draft pleadings are not sent to the client for review at the last minute. It includes taking the client’s call promptly rather than postponing the conversation for days because the lawyer is busy with other matters, or if the lawyer is too busy to field a question, acknowledging the question and providing a timetable for when it can be answered. A simple recognition that clients are busy, too, will go a long way toward delivering the kind of client service for which you want to be known. Empathy also means recognizing the internal budgeting pressures faced by the client, and using the client’s resources as if they were your own—both the client’s time and money.

Ultimately, the lawyer who approaches client service with brains, courage, and above all, heart, sets himself or herself apart in a crowded field with impeccable client-focused service—the horse of a different color that our clients have heard tell about.



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