

# Chicago Daily Law Bulletin®

Volume 161, No. 212

## How to define value in legal services

Since time immemorial, society has evaluated vendors based on numerous criteria, both quantitative and qualitative. While certain offerings such as the proverbial widget more readily lend themselves to quantitative evaluations, over the past several years these discussions have increasingly focused on service providers in areas such as accounting, consulting and the law.

We can all learn from those industries whose beauty contests have historically consisted of optimization analyses and processes.

As both an industrial engineer and a lawyer, I have a deep understanding of the desire to standardize procurement evaluations for legal services through a more disciplined, consistent framework.

But just as there are advantages to applying these methodologies in this context, there also are inherent limitations, particularly when they are used in lieu of a more qualitative analysis of the more nuanced facets of a particular legal provider's offerings.

At the cornerstone of these evaluations lies the concept of value. Value is defined as the relationship between the perceived benefits of an offering as compared to its cost.

This relationship can be expressed as a benefits-to-costs ratio. If that ratio has a value greater than one, the benefits outweigh the costs, and if it is less than one, the costs outweigh the benefits.

While this analysis seems easy, it is not as simple as it looks.

Indeed, the concept of price is often mistakenly conflated with the idea of value, although they are by no means the same. While

price is one factor, there are many other important considerations which are given insufficient weight or completely overlooked in the process. A few of these are discussed below.

### 1. Relevant experience and efficiency

These are critical to the legal services value analysis. The more experienced we are, the better we understand the critical facets of a particular issue, and the more we can contribute.

We will also bring a heightened level of efficiency to the engagement than a less-experienced lawyer, which is also very important when determining our value proposition.

### 2. Understanding the client's business

There are a variety of ways to achieve this, including having a consistent, experienced team servicing the client across all of its legal needs.

If the engagement is new, we should invest time to get to know the client's business and understand its unique likes, dislikes and pressure points. Having relevant sector experience can be very helpful in getting a jump start.

### 3. Client service excellence

This is a must if we are trying to differentiate ourselves from the competition. Important considerations include ensuring there is consistent alignment with our client's work product expectations as well as being as accessible to our clients as they need us to be.

### 4. Judgment

As lawyers, we are regularly asked to express our views regarding various issues. Being able to consistently express sound judgment, particularly in moments of crisis and outside of our specific area of expertise, will make the difference between

## PARADIGM SHIFT



CHRISTINA  
L. MARTINI

*Christina L. Martini is a practicing attorney, author and columnist. She is vice chair of the Chicago intellectual property practice group at DLA Piper and has been in private practice since 1994. She focuses her practice on domestic and international trademark, copyright, domain name, Internet, advertising and unfair competition law. She frequently speaks and writes regarding the legal and business landscapes and appears monthly in Chicago Lawyer magazine as a columnist of "Inside Out." You can reach her at [christinamartini.paradigmshift@gmail.com](mailto:christinamartini.paradigmshift@gmail.com).*

being considered a good lawyer and a great one.

### 5. Keeping the lines of communication open

This is essential in ensuring a client's needs are well met. We should carefully gauge the nature and cadence of our client's communication styles and adjust our approach accordingly. Our clients should also provide us with the necessary information and cues to enable us to effectively make these assessments and to adjust our approach as needed.

### 6. Correct our approach in real time

Great lawyers are able to regularly evaluate their performance and determine what they are doing well and what they need to work on. If we find that a certain approach is not particularly effective, we should not wait until our client says something

— we should correct it in real time, before the client even sees it.

### 7. Seeing what's around the corner

Mastering the art of prognostication is priceless. Clients highly value our ability to keep tabs on all of the moving pieces of a particular situation and to play out likely outcomes a few steps ahead of the game and to advise them accordingly.

### 8. Taking the long-term view of the relationship

Every client relationship is unique. Sometimes they start off slowly or in a narrow niche, and at times there may be more in it for the client than for us. If we are willing to take a longer term view of the relationship, we will increase our chances of being able to realize the longer-term upside.

### 9. Success is a two-way street

As in all good relationships, there is a give and take with clients. Generally, their needs come before our own. At the same time, we must run our businesses responsibly. While there may not be alignment across all of our service offerings and a particular client's needs, effectively striking that balance will solidify our credibility and help ensure the longevity of the relationship.

### 10. Inspiring trust

While being trustworthy is a critical component of inspiring trust, we must also demonstrate our ability to seamlessly weave together myriad capabilities, project an inner confidence and have a commanding presence, particularly when meeting prospective clients.

This will enable us to demonstrate our ability to serve as a trusted adviser, yet another significant differentiator.