



The Quality of Legal Services by Jodi L. Wyman

What quality of legal service should you expect from your lawyer?

Lawyers must follow the Code of Conduct drafted by the Law Society of Manitoba. The Code tells lawyers that they owe a duty to the client to perform legal services competently. They not only should know legal principles, practice and procedures, but also keep up with developments in the law. This can be a challenge given how quickly some areas of law, such as family and criminal law, change.

In addition to having a level of competence, the Code says that lawyers must serve their clients in a conscientious, diligent and efficient manner.

Lawyers and clients may have different perspectives on what level of service is appropriate. Sometimes clients expect lawyers to be miracle workers and help them out of the impossible situations in which they find themselves. Clients sometimes expect their lawyer to be available immediately at any time of the day or night, and they forget their lawyer can have hundreds of other files. Although

work on the file should be done promptly, that does not usually mean it will be done the same day. People also often expect that a lawyer is an expert in all areas of law.

It is important however to have realistic expectations. Clients should talk to their lawyer at the first or second meeting about their expectations. This conversation can prevent problems or misunderstandings later. Find out about the best way to get in touch with the lawyer – phone, scheduling appointments or email. Which is least costly? Ask if they take calls after hours and if they are willing to give you a cell phone number. Ask who you should talk to if your lawyer is away from the office. Ask how long it typically takes for a call to be returned. Ask if you will be sent copies of all correspondence. See whether you can contact the office staff about certain matters, such as getting copies of documents. Find out that lawyer's preferred areas of practice and whether someone else at the firm can handle other types of law. For example, if you hire a lawyer to do your divorce, can they also handle the sale of your home or preparing a new Will? Always ask about the

billing practices of the firm.

The Code of Conduct sets out specific examples of what constitutes poor quality of legal service. For example, the client should be kept reasonably informed about their case. The lawyer should respond promptly to client requests for information. They should make a best effort to return phone messages and keep appointments. Work done should be timely and without errors or omissions. Staff and office facilities should be of a good quality. A thorough reporting letter should be provided to the client when the case is finished.

Most of the specific principles of good service in the Code are just common sense and common courtesy. They apply to professionals in any field and in fact any business that relies on customers.

The vast majority of lawyers provide excellent service, and have happy, satisfied clients. Usually, when lawyers do have trouble keeping up their standard of service it is because they are too busy. It's difficult to strike a balance between providing good service and also having a healthy and profitable practice.