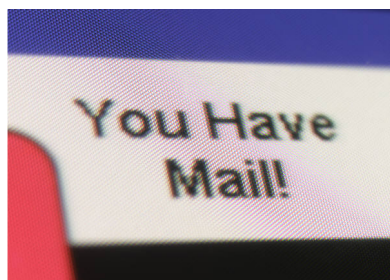


EMAIL, COST OR BENEFIT?

It depends how you use it.

(Apr 05)



The recent series of Best Practice breakfasts presented by Brookers in Auckland and Wellington provided a useful forum for practitioners to discuss a number of issues facing the profession. As the presenter, one element surprised me sufficiently that I am in the process of carrying out further research. It covers client/solicitor communication. The near universal adoption of email and the way the profession uses it may be counter productive and risky. It appears that virtually all persons working in solicitors' offices have their own email addresses. This means virtually all inbound client communication is now directed to a designated person and not the 'mail room', the latter being seen as a relic from the days when 'snail mail' was the norm. For those who may have forgotten, the mail room provided a readily accessible record of all inbound and outbound written communications. Email systems can do this but all too often are not enabled or used. Part of the problem is the sheer volume of written communication and the ubiquity of spam. A recent international study by Grant Thornton International on the time spent responding to emails reports that 54% of all NZ businesses believe email usage has increased income. However, the average time spent per day responding to email is 1.2 hours per person. The survey covered all businesses and it can be presumed that lawyers (men of letters) spend even longer than average.

The problem with inbound communication going directly to a named recipient is what happens when the person is out, away, sick, on holiday, at court or absent for whatever reason? When asking practitioners how this is handled in their own firms the reply most often used is: "We use the out of office reply feature". This does not answer the question, it only explains that, where enabled, the sender receives a message pointing out their communication is 'on hold'. This raises a number of questions:

- How does the intended recipient know if 'on hold' is a satisfactory answer?
- Is the out of office reply function used for all absences?
- Does the out of office reply function refer enquiries to another member of staff?
- Is anyone responsible for trawling inbound emails to find unanswered enquiries?
- How long is it reasonable for a client to wait for a reply?
- Do clients consider the out of office reply the same as a telephone answering message, namely as an irritant to be ignored?
- Is it reasonable for a client to receive 'out of office' for an answer?
- What is the average time an incoming email waits before it is responded to?
- What happens when out of office reply messages are not enabled or used?
- Is anyone charged with monitoring the system?
- How much work is lost as a consequence of emails going unanswered?

Whatever the answers to these questions; from the clients' perspective, 'no reply' is unprofessional and discourteous.

Whilst I have not undertaken statistically reliable research among a sufficient quantity of clients to come to a robust conclusion it is clear that so-called personal email addresses, like DDI numbers, are a major cause of irritation leading to delays and loss of confidence. In the attempt to deliver more direct access to lawyers 'DDI' telephone numbers and personal email addresses may be counterproductive, causing some clients to look elsewhere.

Firms are encouraged to introduce rigorously enforced email vetting systems to establish speed of response and to manage staff absences more effectively, even absences of a few hours can be critical.

LegalBestPractice intends to carry out more research on this and report their findings. Meanwhile the general view from clients, when approached independently, is that they prefer to speak to a person, not leave a message and that email has taken over from 'snail mail'. However, all is not entirely well and the loss of telephonists and mail rooms has had a measurable negative impact on client/solicitor relations. There really is no substitute for the personal touch. Work is being lost as a consequence and client loyalty eroded. Better use of technology probably holds the answers but only if systems are applied to ensure nothing is left to chance.

Any firm relying on electronic communication alone may be losing business and suffering higher client attrition rates than is necessary. A return to 'snail-mail' is not the answer even if the 'paper trail' was easier to follow.

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