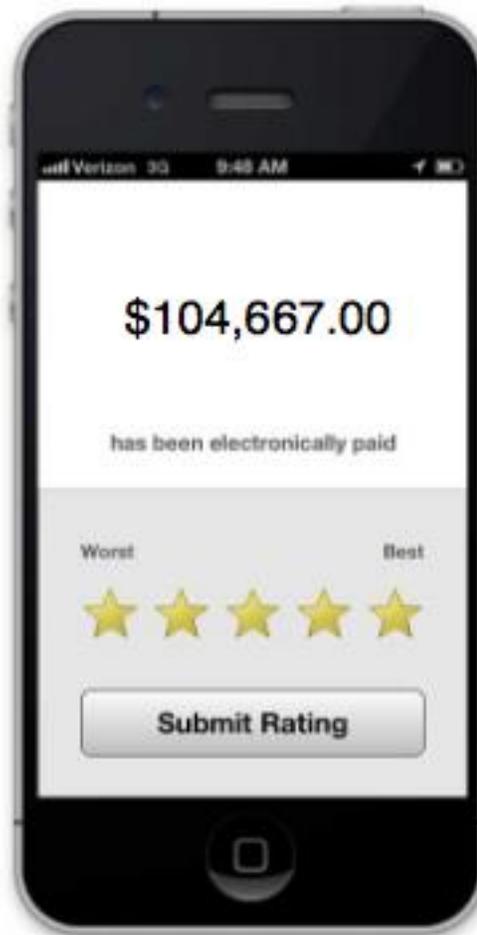# Uber-Style Feedback for BigLaw?

Uber figures big in your life when you live on the water—as in no house, no car…yes, really on the water. That's how my wife and I live, and Uber has become an essential link to those civilized necessities that lie just beyond pedestrian and cycling ranges of the marinas where we call during provisioning stops--things like restaurants, grocers, chandleries and doctor's offices. Touch land, call Uber. That's how it works.

And within seconds of any Uber trip's end, up pops the rating interface in the Uber app. Indeed, sometimes the rating even comes up before the end of

a ride, as in giving kudos to the driver: "This is definitely a five star trip. Thanks so much!" And the driver gets to rate you as well, which yields replies like "Five stars for you too, my friend! Have a great day."

Not every ride is full of bonhomie, though. Both Uber and Uber customers employ the rating system to make decisions about which drivers to use and which to avoid. That kind of feedback is essential to the Uber business model.

And Uber is far from alone in weaving customer feedback into its economic model. Rent a car, book a flight or a hotel, make an online restaurant reservation or engage any number of other services these days and you'll likely get an in-app message or an email soliciting your feedback. Indeed, many service providers incentivize feedback with points or chances to win valuable goods or services.

But not Big Law. The global legal market—by some estimates nearly a *trillion* dollar annual revenue stream involving over a million employees and shareholders—is almost completely devoid of the kind of customer feedback loops we have come to see as everyday among other service providers. Yes, some firms do have client feedback sessions, often annual and occurring only at the chief or chairman levels of the firms involved. These are "How'd we do this year, Bill?" affairs, usually with only the barest particulars. But almost nowhere do we see the kind of granular, regular feedback we've come to expect from modern businesses in other service sectors.

Why not?

It turns out, that's the wrong question. The right one is why would you want to create regular, granular feedback loops in the first place?

Peter Drucker rose to become the most esteemed management theorist and educator of the modern era by distilling complex organizational theory into practical and highly effective advice. In a body of work comprising more than thirty books and hundreds of monographs and articles, he both predicted and shaped the course of twentieth and twenty-first century business.

One of his most influential books was also his last and among his shortest. *The Five Most Important Questions You Will Ever Ask About Your Organization* (Wiley 2008) distilled his prior work into a pithy handbook to creating a business that will not just survive, but thrive.

Every successful business, Drucker says, answers five essential questions:

1. What is your mission?

2. Who is your customer?

3. What does your customer value?

4. What are your results?

5. What is your plan?

Two of the five questions center on deep interactions with customers…with clients.

Drucker makes clear that the reason for this emphasis is that businesses so often misunderstand their clients' needs and wants:

> "What does the customer value? may be the most important question. Yet it is the one least often asked. People are so convinced they are doing the right things and so committed to their cause that they come to see the institution as an end in itself. But that's a bureaucracy. Instead of asking, 'Does it deliver value to our customers?' they ask, 'Does it fit our rules?' And that not only inhibits performance but also destroys vision and dedication."

Drucker goes on to say that a business cannot possibly define success, much less determine whether it is achieving desirable results, without detailed client feedback.

Our clients have been telling us for years that we need to read this Drucker gem. In ACC, BTI, Altman Weil and other surveys of law departments, two of the most commonly complained about shortcomings of law firms are that they make no effort to understand client businesses and they are unresponsive to client needs. Firms are, from the standpoint of clients, so internally focused they are deaf to their clients.

And this deafness has, perhaps single-handedly, created the market space for what has come to be called *New Law*. Virtual firms such as Axiom, Counsel on Call and VLP Partners, Legal Process Outsourcers such as Bodhi and Integreon, alternative legal service delivery models such as Legal Zoom and Rocket Lawyer, and even Watson, are answers to questions that traditional law firms never got around to asking.

Is this an argument that every large law firm should develop its own Uber-like feedback app for clients? No! Treating this as firms have treated, say, the development of client-facing extranets is exactly the wrong way to go. Firms jumped on the extranet bandwagon in the 2000s--every firm with its own proprietary product, distinct interface and incremental burden for already too-busy law department lawyers. The result was a nightmare for law department lawyers and the uptake of firm intranets wound up being very low.

Instead, what is needed is a more modern, more interactive and more granular version of what the Association of Corporate Counsel (ACC) attempted with its Value Index. That was a numerical rating system for firms—not lawyers—that generated some enthusiasm, but for reasons that still need study fell into desuetude.

Are there any prototypes for what might work? My old firm certainly experimented with some very granular feedback systems. One, for example, was structured around a set of bonus and clawback incentives that were based on periodic ratings by each law department attorney of each firm lawyer with whom they interacted. The feedback evaluated a half dozen factors such as responsiveness, communications and results on a five point scale. Data was compiled annually for use in bonus determinations. Average firm ratings of 4 or 5 resulted in a 5% or 10% bonus. Low ratings required the firm to refund similar amounts.

The bonuses that resulted were not insignificant, but what was most noticeable was the extraordinary team focus on client satisfaction created by

the whole system and a shift in the relationship much more toward collaboration.

Is that system ideal? Not by any means. It was unique to a particular client, was paper-based and proved difficult to replicate to other relationships. But it taught the lessons that Drucker emphasized. Regular, granular feedback changed the firm's perception of what had value for the client. And changed it for the better.

How might we go about Uber-appifying feedback between law firms and clients? Organizations like the ACC and the International Legal Technology Association (ILTA) are in an ideal position to foster the collaboration needed to develop a business approach to and practical incentives for, regular, granular feedback for law firms. And once that business approach is in place, then maybe it's time to hack an Uber feedback app for law.