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The Services offer in advocacy

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ABSTRACT

Background: According to Brazilian Lawyers Association statistics, currently there are about 750,000 lawyers throughout the country. In the coming years, Brazil should reach 1,000,000 lawyers as a result of the massive proliferation of Law Colleges. In Rio Grande do Norte state, there are approximately 13,000 lawyers and 400 law firms according to statistics from Brazilian Lawyers Association (OAB, 2013). Literature on legal services management and quality usually does not identify or relate the types of services referred to in studies and/or researches. This leads to gaps preventing more accurate analysis about the impact of these types of services in the research results. In this research, methodology was conducted in 4 steps: at first, a study of the literature about advocacy services offer. In the second step, services offer was structured, using as reference primarily literature and a field research on existing advocacy firms, besides consult to *Revista Análise Advocacia 500*, a specialized magazine for the advocacy sector. In the third step, interviews were conducted with 20 lawyers, when respondents were asked about what services are (or can be) provided by a law firm. The fourth and final step of the study was conducted with the objective of verifying, with a case study, how lawyers perceived the services, they themselves provide. The study allowed us to compile a comprehensive list of 39 services possibly offered by lawyers, constituting so, the service offer, which was classified into central service (1), complimentary services (30) and supplementary services (08). Regarding the perception of lawyers about the offered services, results showed evidence there is a large supply of services offered by lawyers, and however, these are not perceived by the professionals themselves, creating, consequently, difficulty for the client's perception / understanding of their services. Results may contribute to law firms and independent lawyers, establishing different strategies as a way to gain new clients, retain existing, and beyond that, when arranging their contracts, demonstrate the diversity of services offered, even when performing a single service. In so doing, it may increase the value of their work and transparently transfer, to the clients, a perception of liability of the professional who provides advocacy services of any nature.

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INTRODUCTION

According to statistics from the Brazilian Lawyers Association (OAB - Ordem dos Advogados do Brasil), currently there are about 750,000 lawyers spread throughout Brazil. In the coming years Brazil should reach 1,000,000 lawyers as a result of the massive proliferation of Law Schools in the country. The Federal Board of the Brazilian Lawyers Association has no statistics regarding the official number of law firms legally constituted in the country. In the state of Rio Grande do Norte there are approximately 13,000 lawyers and 400 law firms according to statistics from the Brazilian Lawyers Association (OAB, 2013).

Studies conducted from 2007 to 2012 showed a significant increase in court cases taken by citizens seeking the protection of the law, which required the provision of legal services whether on an administrative or judicial level. It is worth emphasising the importance of law professionals to the legal services industry and that lawyers are indispensable to the administration of justice: "Lawyers are indispensable to the administration of

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justice, the actions and deeds executed in their professional work are inviolable, within the limits of the law". (Constitution of the Federative Republic of Brazil, 1988 /2010).

This growth and the fact that the Law School's main objective is to train professionals for judicial actions have created the need for law firms to be managed like regular companies adopting business orientated and strategic management. This creates the demand for legal professionals to understand well the concept of services more broadly so that they can provide better services to their clients.

According to Dettmer, Socorro and Katon (2002) the first studies related to services had the objective to differentiate these services from goods, pointing to generic differences such as intangibility, heterogeneity (or variability), perishability of results and the simultaneous nature of production and consumption. The literature on management and quality of legal services usually does not identify or relate the kind of services referred to in studies and/or researches. This leads to knowledge gaps preventing more accurate analysis of the impact of these types of services in the research results.

Hence, this study aims to evaluate the lawyer's perception of the services they offer so they can discuss the impact of this on the quality of those services and business results.

Fundaments:

Service concept:

Services, a subject of great importance within an organisation, are defined by Horovitz (1993) as a set of advantages that the user expects to get beyond the standard product or service, in relation to price, image and reputation.

Services play a major role in the global economy and their importance is expressed in job generation as well as the economic value created (Mendonça, 2009). A service, as highlighted by Grönroos (2009), can "expand to a broader concept, as suggested in a number of definitions from the 1960s, 1970s and 1980s, adding that in most cases a service involves interactions of some type with the service provider."

Services are a big part of the global economy and customer satisfaction has been sought by companies that want to survive amongst very fierce competition (Marodin, 2010). The contribution of Grönroos (1993) is found in the relevant literature in which the service can be understood in the following terms: "Service is an activity or a series of activities of more or less intangible nature that normally, but not necessarily, takes place in interactions between the customer and service employees and/or physical resources or goods and/or systems of the service provider, which are provided as a solution(s) to customer problem(s)".

From this definition Melo (2003) realises that the phenomenon 'service' is a performance or human activity, as distinct from physical goods that presupposes an interaction between the two parties involved: the customer and the supplier. A contemporary definition provided by Kotler *et al*. (2001): "A service is any activity or benefit that one party can offer to another that is essentially intangible and does not result in the proprietorship of anything ".

Lovelock *et al* (2001) indicated another feature of services is its perception as an intangible achievement, and highlights: "although services often include tangible elements - like sitting in an airplane seat, eating a meal or getting damaged equipment repaired - the implementation of the service is basically intangible ".

According to Fitzsimmons and Fitzsimmons (2005), services are at the centre of the economic activity of any society and are not merely peripheral activities. Services are present in the core of the economy and are essential for it to remain healthy and functional. They not only facilitate but make possible the production activities.

The concept of service, according to Kotler (1998), is "any act or performance that one party can offer to another that is essentially intangible and does not result in the proprietorship of anything".

According to Nóbrega (2013) services can be understood as a process or as a product. That is to say activities or benefits, and it is essential to differentiate between the two dimensions to be able to specify and consequently, plan and monitor its operation.

There are so many definitions for services available in literature that, according to Grönnroos (2009), services have turned into a complicated phenomenon, added to it the fact they are inherently relational. Customers and service providers are always interacting, leading sometimes to develop relationships. However, it does not seem enough to make customers become loyal, despite being a central part of loyalty, though that does not always apply to profitable customers.

To fully understand the services we provide to customers, Nóbrega (2013) says it is important to identify each component of the services: facilities and equipments, goods to be delivered, services-process and service-product. For Grönroos (2003), the most important feature of services is the nature of its own process: "Services are processes that consist of a series of activities in which several different types of resources are used, often through direct interactions with the customer in order to find a solution to a customer problem".

For Lovelock and Wright (2001), service is an action or performance that creates benefits for users through a desired change for the service recipient or for someone on his behalf.

Service offer:

Grönroos (2009) presents a services package model, often mentioned in relevant literature, which

describes services as a pack or collection of different services, both tangible and intangible, which together form the service offer. In this context, he states that the package is divided into core or main and ancillary or extra services, sometimes classified as peripheral or peripheral services, and sometimes also as services facilitators. Still according to the cited author, in literature the basic package of services can be divided into central and peripheral services. However, for the purposes of management it is imperative to divide it into three groups: 1) Core Service 2) Service (and goods) enablers 3) services (and goods) of improvement.

According to Nóbrega (2013) services are classified as shown below, in core and accessory (additional and supplementary) – Figure 1.

Type of Service		Concept
Core Service		Essential Service, motive for search
Accessory Services	Complimentary Services	Services that make viable the use of core services. Without them, generally it is not possible to use core services.
	Supplementary Services	Services used to add value or to cause differentiation.

Fig. 1: Types of service. Source: Nóbrega (2013).

Professional services simultaneously seek a high level of expertise; service quality is not easily measured by the average citizen; the service is considered critical; the recommendation of others is fundamental to the selection of the service provider; the lack of clarity about the nature of the service.

Advocacy services in Brazil:

Considering the importance of services in the legal sector, Las Casas (2000) states services constitute a transaction made by a company or an individual whose objective is not associated with the transfer of goods" as legal services are representative of the interests of the client.

In order to understand the concepts of lawyer and law firm as observed in history, the etymology of these words is its raison d'être. Thus, as etymologically argued by Aguiar (1999), "the word lawyer derives from the Latin *advocatus*, which means that individual assistant of those who were called to justice". As the word advocacy which comes from the Latin *advocatio*" and so means, judicial assistance and consultation to others".

Thomas *et al*. (2001) emphasise the intangibility as being of great importance to legal services. This high level of intangibility, as exposed by Bebko (2000) corresponds with a high level of customer expectation in regard to service and as a consequence there is a considerable level of uncertainty and risk.

To Agostini (2010), while the firm grows due to the increase in demands from the professional market, it faces obstacles such as the lack of administrative organisation for the legal area causing difficulties for the professional practice, adding that therefore law firms in Brazil are experiencing a difficult moment with these positive and negative elements.

In this sense, the aforementioned author concludes that although the law firms perform a unique activity, they are providers of legal services to different target audiences with specific demands, which are handled by the lawyers in accordance with the circumstances presented by the client.

According to data from the national OAB, there are 754,685 lawyers in Brazil, 01 professional for every 256 inhabitants, almost the same ratio as in the United States, which is 01 for 253 inhabitants. In the same survey, it was also pointed out that Brazil is the third country in the world with the most professionals, second only to the United States and India.

The research papers considered for the preparation of this study, focused on the management and quality of legal services were Agostini (2010), Melo (2003), Marodin (2010), who made no detectable reference on the type of service covered by their papers and services were only identified in a general and superficial way.

Junior (2008), in research on the marketing of service in legal advisory firms, presented the following as services provided by the law firms: 1) civil law advocacy, especially in consumer and tax areas, 2) Other areas (such as work and domestic matters) and exceptionally crime; 3) Legal Advocacy and litigation consultation; 4) Tax Planning; 5) Guidance on tax management and business consulting; 6) Recovery of tax credits and use of assets for the settlement of debts; 7) Presentation of administrative and legal defense against the Tax Office; 8) Business Planning and Corporate Restructuring, making a total of 8 services offered.

Failure to identify these services may cause difficulties for the client as the quality of a service performed directly by a lawyer can differ greatly in quality than if performed by support staff, added to the fact that no precise definition of what service will be delivered may cause difficulty in setting the price and even compromising the perception of service by the customer.

According to a) study presented by the magazine *Revista Análise Advocacia 500*, 2013 edition, the 5 largest law firms in Brazil presented by this magazine were considered as the parameter for this research to identify the services provided by law firms as described in Table 1 below:

Table 1: The Largest Law Firms in Brazil. Source: Revista Análise Advocacia 500 (2013).

Ranking	Name of the Firm	Lawyers	Legal Cases
1	JBM Advogados	798	328,984
2	Siqueira Castro	779	299,800
3	Nelson Willians e Advogados	759	159,545
4	Décio Freire	488	82,300
5	Fragata e Antunes	443	203,856

The data presented in Table 1 shows that 3,267 lawyers, which is equivalent to 0.43 % of the total lawyers in the country, are centralised in the firms mentioned and they have 1,074,485 ongoing legal cases. This result also shows that lawyers are spread across several law firms in Brazil establishing stronger competition for legal services demands amongst them.

Table 2 shows the 5 most admired firms in Brazil and these complemented the analysis of services provided for demonstrating the service offer.

Table 2: The most admired law firms in Brazil. Source: Revista Análise Advocacia 500 (2013).

Ranking	Name of the Firm	Lawyers	Legal Cases
1	Pinheiro Neto Advogados	385	16,152
2	Mattos Filho, Veiga Filho, Marrey Junior e Queiroga	320	10,000
3	Demarest Advogados	244	24,278
4	Machado, Meyer, Sendcz e OpiceAdvogados	400	-
5	Siqueira Castro	779	299,800

In Table 2 the 5 most admired firms in Brazil were studied. According to the same magazine, the firms mentioned have 2,128 lawyers, which represents 0.28 % of the total number of lawyers in the country. From the analysis of Table 1 and 2 it can be observed that only 1 single firm appeared in both results and was ranked as the second largest and the fifth most admired in Brazil. Analysing further Table 2, it reveals that the number of lawsuits is significantly less than that shown in Table 1.

Methodology:

The study was conducted in 4 stages: first a study of the literature written on the theme of services and service offer. In the second stage the service offer was identified taking as a reference primarily literature as well as the knowledge and experience of the researchers. Next the results of an annual study as presented by the magazine *Revista Análise Advocacia 500,* 2013 of the 5 largest and the 5 most admired firms in Brazil was taken into account. In the third stage, interviews were conducted with 20 lawyers where respondents were asked about what services are (or can be) provided by a law firm. The fourth and final stage of the study was conducted with the objective of verifying with a small case study, how lawyers perceived the services, they themselves, provided.

Sampling:

For the purpose of identification of the services a survey was created on the websites of the firms cited in the *Revista Análise Advocacia 500*, 2013 edition, where the 5 larger firms (JBM Advogados, Siqueira Castro, Nelson Williams e Advogados, Décio Freire and Fragata Antunes) and the 5 most admired in Brazil (Pinheiro Neto Advogados, Mattos Filho, Veiga Filho, Marrey Junior e Queiroga, Demarest Advogados, Machado, Meyer, Sendez e Opice Advogados and Siqueira Castro) were featured. For the field research a group of 20 lawyers was interviewed under the criteria of convenience and accessibility.

Data collection:

Data was collected through interviews conducted by the researcher personally. Respondents expressed their perceptions about the supply of services through 1 unique formulated interrogative question. Individual meetings were conducted with attorneys when the question was asked: list the services that are (or can be) provided by you in the execution of your duties as a lawyer. The written responses were given by the attorneys interviewed themselves and the name of the law firm identified.

Treatment of Data:

In treating the collected data the following tools were used: Descriptive statistics analysis using spreadsheets and content analysis. The data was analysed and interpreted in order to answer the question addressed as the subject of this study. The interviewees' responses were given a code and the data treated with tabulation and statistical calculations, because according to GIL (2002) analysis of data involves the procedures of coding responses, data tabulation and statistical calculations.

RESULTS AND DISCUSSION

The list of legal services from literature and research sites:

For the identification of the services described, we created a preliminary list of services offered by law firms based on literature and also from the knowledge and experience of the researchers in the

legal sector. A second list was drafted containing the services mentioned on the websites of the law firms selected from the magazine *Revista Análise Advocacia 500,* 2013. The third step consisted of a comparative analysis between the two lists and from these adjustments and standardisation of terminology was made aimed at facilitating a universal understanding of the subject. The final result is shown in Figure 2.

Note that the literature considered for the subject of this study does not address a list of legal services. The list of services described in Figure 2 was developed by this author, from the classification of the core, complimentary and supplementary services. As it was noted, the study presented here identified 39 (thirty nine) services and so achieving a more expansive result than the study presented by Junior (2008).

The offer of legal services:

The identification of the core, complimentary and supplementary services was important in this study because from this it was possible to create the Figure 2 which represents virtually all possible services that are offered by a lawyer in the execution of their profession. After identifying the services, a field survey was conducted with 20 lawyers and then their responses were compared to the list of services developed in this research.

Thus, the core service, as shown in Figure 2 corresponds to only 01. 30 complimentary services were identified, while the supplementary services accounted for 08. In total 39 services were identified as being offered by lawyers. Beyond this initial classification of services - core, complimentary and supplementary - it proved useful for the identification of services according to their level of importance whilst demonstrating the diversity of services provided by law firms.

<table>
<tr><td colspan="2">Type of service</td><td colspan="2">Services Offered</td></tr>
<tr><td colspan="2">Core Service</td><td colspan="2">Provision of legal services in administrative and / or judicial area</td></tr>
<tr><td rowspan="2">Accessory services</td><td rowspan="2">Complimentary Services</td><td rowspan="3">Acting as a correspondent for national and international firms
Acting as mediator in dispute resolution
Advise on special taxation
Advice on the buying, selling, development, subdivision and assistance in real estate transactions
Answers to legal queries
Attending hearings
Client representation before magistrates’ court
Contract creation, review and analysis
Corporate Restructuring: Mergers, acquisitions and dissolution of society
Delivering oral arguments
Drafting of profit sharing policies
Drafting of wages and salary policies
Family business successionplanning
Filing of lawsuits in general</td><td rowspan="3">Full auditing of corporate transactions
Incorporation of companies
Labour liabilities assessment
Mediation of collective bargaining agreement with labour unions and administration
Meeting legal deadlines
Organisation of congresses
Organisation of lectures
Preventive Law advice
Presentation of defenses in general
Presentation of objections
Review of the company's internal policy
Sitting in on meetings
Structuring corporate business activity
Tax planning
Training for lawyers and clients
Writing memorials</td></tr>
<tr><td rowspan="2"></td><td rowspan="2"></td></tr>
<tr><td rowspan="2">Supplementary Services</td><td colspan="2">Access to the progress of cases on the firm’s website
Advance payment of legal costs
Assistance for obtaining a permanent visa
Create acknowledgement of receipt of legal documents
Dispensing of documents
Making calculations in general
Providing legal information via twitter, website and email
Providing Wi-Fi internet</td></tr>
</table>

Fig. 2: Service offer of a law firm. Source: Research (2013).

The service offer as perceived by a group of lawyers: field research:

Through field research with a group of 20 lawyers it was possible to identify a total of 11 legal services. It should be stressed that there was repetition in the replies submitted by these lawyers and consequently were synthesised: Follow-up and report on court cases, Filing of lawsuits, Customer care, Audience / contact with magistrate, Preventive advice, Drafting of legal opinions, Drafting of pleadings, Lodging of objections, Payment of legal costs, Conciliation court hearing, trial and instructions, Selection of documentation.

Thus, the field research showed 11 legal services, while the services gathered by the 5 largest and the 5 most admired law firms in the country, identified through the searches made on the websites of those offices, found in the research conducted in

the literature and also from the knowledge and experience of researchers in the legal sector showed a total of 39 services. It shows the potential contribution of this study.

According to the results, only 28.2% of the services identified from the analysis of the websites, from the firms featured in the magazine research, were mentioned in the lawyers' interviews. It demonstrates their lack of perception of their own service offer and also that there is not an appropriate methodology for identifying and planning their services.

From further more detailed analysis of the data, it can be seen that 45% of interviewed lawyers listed up to 5 services, 50% of respondents listed 8 services and one person mentioned 11 services, which represents only 5% of the total respondents, as can be seen in Table 3:

Table 3 : Results of field research. Source: Research (2013).

Number of services cited	Percentage
Over 8	5%
Between 6 and 8	50%
Less than 5	45%

This suggests that respondents do not have a complete or approximate perception, on the supply of services they offer, to the extent that the study presented by analysing the firms listed in the magazine *Revista Análise Advocacia 500*, 2013, reached 39 services that can be provided by law firms.

Conclusions:

Law firms represented by either a partnership of lawyers or independent lawyers need to follow the evolution of the profession, adapting themselves to the new profile of increasingly demanding clients, that require offering innovative bespoke solutions made possible from the analysis of the legal services they offer. Thus, a better understanding of the services provided, alongside a more detailed plan enabling greater precision in the operation of the services and their impacts on the perception of customers constitute a challenge for managers of legal services.

Although the areas of services management or quality of service when applied to legal services doesn't appear widely in either the literature, papers or researches used in this study, they facilitated the identification of services in a superficial or imprecise way. This study allowed us to compile a comprehensive list of services offered by lawyers, in total 39 possible services. Thus, this study contributes in an innovative way and offers advocacy professionals a better understanding about the amount of services provided by them in the execution of their duties, which may directly influence and lead to better results by their firms, raising the standard of the services offered.

With respect to the service offer, the identified law firms were classified into core (1), complimentary (30) and supplementary (08), thus creating a summary of what was discussed in that section. Regarding the perception of lawyers about the services offered, the results presented in this study according to the research done, showed evidence there is a large supply of services offered by lawyers, and however, these are not perceived by the professionals themselves which consequently creates difficulty for the client's perception / understanding of their services. If the professionals themselves cannot identify in a technical and accurate way the amount of services they offer, how can they expect customers to comprehend what they offer?

Managerial implications:

Given this context, the results of this study may contribute to law firms and independent lawyers establishing different strategies as a way to gain new clients, retain existing and beyond this when arranging their contracts demonstrate the diversity of services offered even when performing a single service. In so doing, it increases the value of their work and transparently transfers to the client's perception of liability of the professional who provides advocacy/legal services of any nature, as usually lawyers are likely to be dealing with lay people who are not aware of the legal requirements inherent to the procedures being adopted.

Thus, from this research we verified the importance of identifying the services offered by a law firm to serve as a differential for hiring a professional in an increasingly competitive market which does not forgive those who do not seek to offer a professional service where clients search for excellence and quality in service delivery.

Limitation and future research:

Due to the small sample of lawyers considered for this study, the results cannot be treated in a general manner. This suggests applying similar research with a larger and more representative sample. During the field research, some informal discussions indicated the possibility of assigning importance to the services identified and their possible impact on the results of a firm, or even the quality of services offered. Thus, it is suggested to further investigate this study, identifying the importance of each service and making a comparison of this with the importance perceived by clients and lawyers.

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