

LEGAL ASPECTS OF SERVICES MARKETING: PROBLEMS AND PROSPECTS

Shweta Sharma

Assistant Professor, JCD Institute of Business Management

ABSTRACT

With the advent of globalization, it has become the need of hour in India to throw the legal services open to foreign firms in all spheres. Indubitably, India is considered kaleidoscopic nation to meet the ever-changing needs. India is a big market for burgeoning legal services in an organized manner. There are so many MNCs working in India and these MNCs require legal services in international trade laws, trade marks, copyright, patents and establishing of business at local level besides civil and criminal law. Present article deals with the potential of business sector and the concerned organized law firms. There are several law firms galloping in India. Due to the influx of MNC law firms this sector has become important for the local law practitioners.

Keywords: Legal Aspects, Service Marketing, Advertisement, Professional Services

I. INTRODUCTION

Marketing is considered as an important tool for any kind of business but in case of legal firms, there are some issues associated with it:

1.1 Legal Constraint in Marketing

In India, legal services are considered a noble profession like medical and education. Indian law bars the commercialization of legal services. According to Advocate Act, 1961, legal services can't be advertised, however, on July 28, 2008, Bar Council of India let the Advocates to advertise on the internet. However, remaining rules like certain dimensions for sign boards as still the same. Sign boards can't have beguiling looks. In contrast to the Indian legal system, rewards are given to the clients by their attorneys or law firms in some countries.

1.2 Ethical Issue

It is the duty of a legal service provider to render his best in interest of his client. For which, sometimes, he needs to delay the proceedings in courts, manipulate or conceal the facts so as to save a wrong doer client, which doesn't construe the professional responsibility of a legal service provider.

In view of above issues, legal services provider firms will needs to establish firm in a well organized manner by adopting marketing strategies so as to meet the international competition. Despite some restrain, some similar typical common and simple methods can be adopted by the firms to excel.

II. REVIEW OF LITERATURE

Lesjak (2013) described different approaches to quality assessment of legal services, which are provided by lawyers, notaries or other legal profession. Citizens have options to make a formal complaint about poorly delivered legal services. Complaint and possible restitution can hardly effect to the past, when damage was already done. In most cases inspection and supervision mechanisms are obtained by bar association, specialized boards or ombudsman. On the other hand, we experienced a lack of informal or so-called market supervision mechanisms, which could protect citizens from potential bad or mediocre legal services. Based on several prior studies and statistical data we found out that formal supervision mechanisms might lack effectiveness. Therefore we proposed criteria of Serqual evaluation for legal service quality assessment and development of a publically available web portal for rating legal service providers with strong incentive of social networks. Citizens would be able to evaluate the legal service they were given according to selected criteria and to list, compare and choose legal service providers based on previous evaluations and scores. With such involvement of citizens we could improve quality of legal service provision and protect citizens from potential poor legal service

Ghani et al. (2008) concluded that Legal service has emerged as the largest contributor of Small Medium Enterprises (SMEs) in Malaysia. The operations of legal businesses in this country are governed by several legal profession acts and rulings. These governing laws and regulations provide certain limitations pertaining to marketing activities mainly on advertising. Despite of those limitations that they are legally bound to adhere to; legal services are reported as the largest SMEs in the professional services in term of number of establishment. Therefore, this study aims to explore the limitations of marketing activities faced by legal practitioners. Eventually, the study will recommend certain marketing activities which are useful for the legal practitioners in planning and exploiting marketing tools and techniques in expanding their business and services

Christopher, (2004) found that the heart of the concern over legal services' advertisement lies on the fundamental paradox of the origin of legal profession itself. Legal service is being portrayed as a noble profession as it is sustained by its definition as a profession as opposed to a business. Businesses endeavors are fueled by the quest for financial gain, while the legal profession is supposed to be fueled by a desire to serve the public. Therefore, a strict distinction must be drawn between the two by not allowing business oriented practices such as advertising. However, advertising is still needed to ensure the continued existence of the legal profession.

III. NATURE OF MARKETING

In layman's parlance, marketing is considered to the extent of advertising only. However, marketing is not only advertising, rather it is just a component of Marketing. Marketing strategies ensures the growth of the firm. Nowadays, it has become impossible for any legal firm to remain devoid of basics of marketing.

3.1 The Nature of Services Marketing

Marketing services are considered as more difficult than marketing products. Qualitative differences of Services are:-

3.1.1 Customized

Such kind of marketing strategies are not standard, rather adopted upon various congenial factors.

3.1.2 Inseparable

Process of marketing of Legal Services is similar to marketing and delivery of services and production.

3.1.3 Intangible

One more important nature of the marketing of legal service is that however, it cannot be seen but can be objectively measured at some points.

Despite proper marketing, some solicitors may fail to understand the real involved issue of the clients and may fail to provide qualitative legal service. Clients value the quality of relationship between the legal firm and client relationship and they judge the firms on the following factors:-

1. Which firm takes proper interest in them?
2. Which firm better apprehends their issues?
3. Which firm aptly addresses their issues?
4. Which firm harkens their issues?
5. Which firm can get them relief?

It is said that a solicitor firstly should be available, then he should be affable and lastly he should be able. There are lots of client centered policies of marketing; some of them are as follows:

3.3 Tools of Marketing

While looking for client base, marketer should categorize the client base into different areas viz. area, geography and source of business. It allows the firm to analyze various factors according to their needs. Client questionnaires can be helpful in this regard.

Reliability

Marketing tools overtly or covertly assist to overcome prospect's hesitancy, which may be for any reason either for lack of trust or for the ability to solve client's problem.

Schedule of Fees

It is quite common that prospects feel better in case of finding legal service fees in writing. Prospects often perceive that legal fee is charged upon their reputation. By providing a well written schedule of fees will remove their suspicion.

Feedback

Taking views and feedback from previous clients increases the credibility of attorney. As many as there are positive feedback, as faster will be the removal of doubt of prospect, if any. However, most of the Bar Councils don't allow the use feedback for this purpose.

3.4 Assured Service

Trying to convince the client that all of his call will be responded promptly, he will be attendant promptly and itemwise fee will be taken, which will not exceed in future.

Keeping Abreast your Client

It has been seen often that clients remain ignorant about the legal strategies and planning his attorney is making. There is a need to make all the clients understand about the step to step service, which an attorney is going to provide in lieu of his money.

Record of Previous Experiences

Prospects can be convinced by showing the similar cases dealt by the attorney in similar circumstances. Database of similar case history will definitely leave an impart upon the mind of prospect. Not only the similar circumstances but also the cases dealt by the attorney against the similar opposite parties can tempt the prospect towards attorney.

Questioning

A good attorney needs to have a full knowledge of the facts, which can be done by asking more and more questions from the client. This develops trust in the mind of prospect in the attorney.

Providing Technical Knowledge

It is possible that the client may not understand all the technical terms used by the attorney, so it is better for the attorney to provide legal technical glossary to his client to understand his case.

Fate of the case:

It is the duty of the attorney to make his client about the possible fate of the case in a spade a spade manner, so as to development faith amongst the clients.

Contact

All the clients should have all official contacts of the attorneys and upon change of address, clients should be apprised accordingly.

IV. CONCLUSION

Regardless, the restraint by the Bar Council of India on advertisement of legal services, there are some modes, by adopting which, one can get marketed his legal services. Without discussing the merits of the rules of BCI, it can be said that there are various modes to get the legal services marketed in India. Advertisement is not the only way to advertise. India is a big market for legal service provider as various new MNCs are coming and these MNCs require legal services regarding local and international laws, for which, they are bound to hire the services of some legal service provider firm.

V. SUGGESTIONS

1. Advertisement by publishing articles on legal issues like shortcomings in some laws can enhance the image of firm.
2. Trade publications and newsletters contain the views of concerned people at local level. So, in case, one don't get space in wider media publications, he can get it published in trade publications and newsletters.
3. If the local law allows, advertisements in daily newspapers at conspicuous places.

4. Providing legal opinions on FM radios, newspapers, televisions can boost the popularity of law firm.
5. Providing legal aid and legal glossary on web sites also works an advertisement.
6. It is a myth that low fee brings more work. In contrast, more people are get attracted towards the high fees taking attorneys. They are considered as better than that of taking low fees.
7. Law firms should deploy different attorneys for different fields like Patent and Trade mark laws, International trade laws, environmental laws and routine commercial disputes and drawing up agreements of various types.

REFERENCES

Journal Papers:

1. L.B. Lidsky, and T.J. Peterson, (2007), "Article: Medium-Specific Regulation of Attorney Advertising:A Critique, University of Florida Journal of Law & Public Policy, 18U. Fla J.L & Pub.Pol'y 259
2. T.C. Mead, (1991), " Witting the Law on Lawyer Advertising", Ariz. St. L.J, Vol 23, pp 191-197
3. S.D Wang (2003), "The Implication of E-Financing:Implications for SMEs", Bulletin on Asia- Pacific Perspective 2003-2004.
4. P. Kotler, and S. J. Levy, 1969. "Broadening the Concept of Marketing," Journal of Marketing, Vol. 33, pp. 10-15

Books:

1. S M Jha (2014), Service Marketing:, Himalaya Publishing.
2. P. Kotler, and K.L. Keller, (2014), Marketing Management, 12th Ed., N.J: Pearson Education Ltd