

PRACTICALLY SPEAKING: COMMON SENSE TIPS FOR CLIENT COMMUNICATION

By Anna M. Wachtell

The practice of law is often client-focused. Our services are sought because someone has been sued, wants to form a corporation or a landlord is slow to address leaky plumbing. In the early years of practice, a fortunate young lawyer has mentors to help her learn good client communication skills. The necessity of good communication skills is reinforced by reading disciplinary reports or hearing through the grapevine about a disgruntled client leaving a lawyer or law firm because the client felt ignored.

Good communication with your client doesn't have to be time consuming in order to be effective. Here are a few suggestions to incorporate into the handling of every client's matter:

Initial Conference

When a new file hits your desk, schedule an initial telephone or in-person conference with your client. During that conference, discuss the client's legal matter, but also take time to listen to your client's questions and concerns. Is this his first time named in a lawsuit? Is she a busy small business owner who prefers email communication? Is he a college student who is worried about how a settlement or verdict will be paid? These questions extend beyond the legal analysis we are trained to do and require us to be sensitive to the day-to-day personal concerns our clients have. Consider creating a checklist of items to cover during each initial conference, containing reminders to ask whether the client uses email, whether the client has ever been involved in a lawsuit before and to give the client an overview of what to expect during litigation. An initial telephone or in-person conference establishes the relationship and goes a long way toward making sure you and your client are on the same page from the outset.

Regular Updates

Frequently, a disciplinary report describes a client who hired an attorney to complete a task, only to have the attorney accept a retainer fee and disappear in silence for six months or a year. Putting together a regular update to a client about his case doesn't have to be something that's difficult to fit into your busy day and can instead serve as a helpful refresher for both attorney and client regarding what's been completed on the case and what is left to do. Begin by establishing how frequently you will send an update, such as every six or eight weeks. Set a repeating reminder in Outlook or in your case management software to automatically remind you to create an update. When drafting an update, don't force yourself to reinvent the wheel every time – it is helpful to develop a case update template containing information categories that are revised as the case proceeds. For example, each time you look at the "Liability Analysis" or "Additional Discovery Required" sections you begin by re-reading what was current six weeks ago and can easily add information you've learned since then and state what is left to do. Your client will appreciate your regular attention and you will

never be caught realizing you're missing information needed to support a motion due next week.

Client Preparation

Whether it's an upcoming deposition, a hearing, mediation or a trial, client preparation is key to the success of the event and client satisfaction. When an event is scheduled, consider enclosing a list of guidelines with the letter to your client containing the event date and location. These guidelines can be a list of common reminders such as "Listen carefully to the question asked and answer only that question," or "If you do not know the answer to a question, it is acceptable to answer that you do not know." This written list will give your client a chance to visually review the information you will go over with him or her in person or on the telephone a week prior to the event. It is common knowledge that some people learn better by sight or by hearing, so cover your bases and provide your client with both. When the client is less nervous while giving testimony and hears a question you've anticipated and covered with him during in-person preparation, the time you've invested will benefit your client's case and the relationship.

Expectation Management

Nothing can sour a relationship faster than a client anticipating X while you're working on Y. During the initial conference, be sure to walk the client through the process you expect her matter will require, and give some time estimates for each stage. In your regular updates, consider including a section labeled "Next Scheduled Event or Action" and provide a list of dates, including the court's case schedule and other dates, such as depositions or mediation. During your initial conference, in written updates and during any client preparation meetings, discuss the information you have learned and the possible outcome. If there is information that must still be gathered and could alter that assessment, note that. Your client will appreciate the knowledge, and you'll never be left explaining an outcome that a client feels has appeared out of the blue.

Just as doctors are sometimes chided for poor "bedside manners," lawyers are sometimes guilty of an over-confident "just leave it to me" attitude. Client relationships can be solidified by building a few basic steps into your practice. A happy client results in a repeating client, a good referral or simply gives you the confidence that you've helped someone through what may have been a difficult or confusing time.



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