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# **The Psychology of Keeping Clients Happy**

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## The Psychology of Keeping Clients Happy

Accomplished lawyers know that their success depends on more than the substantive outcomes of their cases. Success depends as well, and maybe even more so, on client satisfaction with the course of the representation. What each client really wants and needs to feel satisfied is to some degree idiosyncratic to the individual client. But lawyers can set themselves up for success by being attentive and sensitive to what their clients really want and by taking actions likely to fulfill those wants. This program will explore, beyond case outcome, what it really means for a client to be happy and what lawyers can do to have happy clients during the course of and at the end of the representation.

**Larry J. Cohen** is a certified specialist in injury and wrongful death litigation who has focused in his more than thirty years of law practice on serious medical injury and emotional damages cases, including especially brain injury claims. He received his J.D. from Northwestern University in 1985, and has been admitted to practice in Arizona since 1985. Mr. Cohen also has a Master's degree and a Ph.D. from Syracuse University and has participated in a post-doctoral program in clinical neuropsychology.

# **The Psychology of Keeping Clients Happy**

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January 20, 2019

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## **The Psychology of Keeping Clients Happy**

A great deal has been written about the ranges of client satisfaction with the lawyer's services. Ethics programs often focus, implicitly or explicitly, on the things lawyers do to make their clients unhappy. This program will focus on what lawyers do and can do to encourage their clients to be happy. The materials provided here offer a plethora of ideas about client happiness. The ideas are not always consistent, and some are actually inconsistent with one another. This is fully in line with the practical reality that not all clients are pleased by the same things, either in content or in intensity. Accordingly, as you read through these materials, and as you participate in the seminar on this subject, keep that diversity of interest, need and sensitivity in mind. And notice as you read through these materials and participate in the seminar the high priority put on communications.

### **Austin Seagrave, Ten Ways to Keep Your Client Happy 41 (6) Practical Lawyer 8 (September 1995)**

Whatever a client's case is about, you can count on one thing: it's important to the client. Improving both the quantity and quality of communication with clients can go a long way toward showing that the case is important to you, too.

--Here are some of the things you can do to prove it:

( ) Remember who the boss is. You're working for the client, not your partners or the firm;

( ) Define the relationship. Make sure that the client understands what you can and cannot do, and that the client understands it to his or her satisfaction, not yours;

( ) Keep in touch with the client. Even if nothing is going on with the client's case, occasionally make a courtesy call just to let the client know that the matter has not fallen through the cracks;

( ) Keep at least two docketing systems. Your staff should manage one and you should manage the other. This will permit you to keep the client informed of all developments in the case;

( ) Promptly return phone calls. If you aren't available, instruct your staff to return them for you when appropriate;

( ) Take action as quickly as possible, and let your client know that you did so; and

( ) Send out an evaluation sheet at the conclusion of the representation. Even if the

responses indicate that there are some things your firm can do better, you will have learned something that can help to raise your firm's standard of excellence.

### **John Remsen, Jr., 10 Golden Rules to Make New Clients Happy 88 Wisconsin Lawyer 43 (February 2015)(abridged)**

We all know that satisfied existing clients are your best source of future business. They will continue to use your services when they need a lawyer, and they are your best referral source for new clients.

Yet, most clients are unable to appreciate a quality work product because they aren't lawyers. Consequently, they tend to judge the quality of your work based on service-related issues and how they are treated when they deal with you and your firm.

\* \* \*

[Clients] don't necessarily want to know the intricacies of the law. They want good results. They want to feel like you are taking good care of them. They want to trust you. These factors are especially important when you are dealing with a brand new client.

As we begin 2015, I thought it might be good time to share my "10 Golden Rules to Make New Clients Happy." Here goes ....

#### **1 Send New Clients a "Client Welcome Kit"**

I am amazed at how few law firms do this. In addition to a well-written cover letter from the managing partner, include your firm brochure, a client service pledge, a current list of contacts with direct-dial phone numbers and email addresses, and a nice gift.

#### **2 Seek to Understand the Big Picture**

The best lawyers--the ones who deliver the most value to their clients--take the time to learn about their clients' business (and personal) goals and objectives. They ask smart questions and do lots of listening. They understand how the particular legal matter they are being asked to handle fits into the big picture. It's also a smart idea to understand the dynamics and trends of the industry in which your client competes. Visiting a new client's place of business is also a great way to get things started on the right foot.

#### **3 Establish Your Client's Expectations and Then Exceed Them**

Walk your client through how you propose to handle the matter and what he or she can expect in terms of results and timelines. Create a reasonable set of expectations and do your best to beat them. If you discover you are unable to meet your commitments, or the

results are not likely to be what you anticipated, share that information with the client as soon as possible. In almost all cases, you will be forgiven.

#### **4 Always Follow Through on Commitments**

Set reasonable deadlines and do your best to follow through as promised. If you promise a draft of the contract in three weeks, deliver it in two. Breaking promises aggravates clients and diminishes their trust in you.

#### **5 Promptly Return Telephone Calls (and Emails), *Always***

Nothing upsets clients more than an unreturned phone call. It's the number one complaint clients have about lawyers. You may not think a return phone call is all that important (especially if there is nothing to report), but your client sure as heck does. Adopt a policy to return all calls the same day you receive them. It's a darn good habit.

#### **6 Communicate with Clients in the Manner They Prefer**

I'm one of those people who like to talk on the phone. After all, I can talk a whole lot faster than I can type. And I hate it when I place a phone call to discuss an issue with a vendor and get an email back. Most clients feel the same way. Ask new clients to tell you the method and frequency of communication they prefer, and deliver your updates and progress reports accordingly. If you can't be flexible, tell clients up front how you operate. (And remember the rule above: promptly answer all email messages and phone calls.)

#### **7 Introduce Your Client to the Team Working on His or Her Matter**

Take the time to invite new clients to your office to meet the team who will be working on their matters. And make sure you include the paralegals, legal assistants, receptionist, and other individuals they likely will be talking to on a regular basis. Doing so helps make your staff feel part of the team and, in many cases, your clients will be interacting with your staff more often than with you.

#### **8 Resist the Temptation to “Overlawyer” the Matter**

Trust me; clients don't want to pay their lawyer more than necessary to have their matter properly handled. Many lawyers feel compelled to research issues to death and uncover every stone to make sure they are 100 percent correct. But most clients are happy with 90 percent. Worse yet, the pressure to generate billable hours often encourages inefficiency and “overlawyering” to meet performance requirements. Be sensitive to the



issue, and do what's appropriate for your client.

## **9 Never, Ever, Send a Surprise Invoice**

It's good practice to discuss estimated fees and costs up front with new clients. Give a ballpark estimate of what your fee will be and discuss developments that might unexpectedly arise. Talk through the options, and seek your client's direction on how to handle them. Never, ever, send your client a surprise bill. Like failure to communicate, this is a sure way to lose a client, and the (former) client probably will tell other people about the experience.

## **10 Show Clients That You Appreciate Their Business**

Be sure to invite your client to your firm's annual client appreciation event, and consider taking her to a ball game, playing golf, or inviting him to lunch or dinner on occasion. Invest time in building the relationship. Holiday cards are nice, but not nearly enough.

## **Jeffrey Allen, Using Technology to Keep Clients Happy 24 (8) GP Solo 4 (December 2007)**

Technology has had a continual and growing impact on the practice of law and on each of us as practicing attorneys. During the last 25 years, the manner in which attorneys practice law has seen dramatic change. Likely the next 25 years will produce more and more significant changes. While the manner in which we practice evolves, the basic essence of the practice, its *raison d'être*, remains the same: to provide sound legal advice and counsel to our clients in order to help them deal with problems they encounter in their personal and business lives.

Many, if not most, discussions about the use of technology in the practice of law have focused on technology from the perspective of making the lawyer's work easier or making the lawyer's life a bit more pleasant. We have looked at the issue both from the perspective of how lawyers can make use of technology and the perspective of how lawyers let technology run away with itself and become a tool to abuse the attorneys. In this column we will look at the use of technology from a slightly different perspective; we will consider the use of technology to satisfy or please our clients while still allowing lawyers to have lives of their own outside of their practices.

### **New Tools for Communication**

For as long as I can remember, malpractice or errors and omissions insurance carriers have made recommendations to attorneys about reducing exposure to claims. The carriers do not do this as a public service announcement (although, in fact, it can have the

effect of one); they do it because it will help their own bottom line. If the lawyers they insure have fewer claims, insurance carriers will have less exposure to the costs of defending and settling claims. For that reason, and because common sense supports it, insurance carriers have stressed the importance of lawyers' communicating adequately and sufficiently with their clients. The failure of lawyers to do so has proven to be one of the main reasons that clients end up filing claims against attorneys.

The changing nature of our society and the dramatically increased mobility afforded by technology impacts our practice of law as well as our personal lives. More and more attorneys have found ways to practice law on the road, at home, and in a variety of places where they do not have the facilities or support normally available to them in the traditional office environment. The farther we get from the traditional office situation and support, the harder one would traditionally find it to communicate adequately and sufficiently with clients. At first blush, it would seem that the more advantage lawyers take of the available technology to restructure their practices, if not their lives, the more risk they assume regarding clients made unhappy or simply not sufficiently informed as a result of insufficient communications. The trick becomes using technology to mitigate the problem.

I have had personal experience with clients expressing considerable gratitude for what they perceive as extra or special attention from their attorney. Timely, effective, and productive communications will help our clients develop such reactions.

Fortunately, technology makes it easier for us to communicate with our clients and to make those communications effective and productive. To ensure clarity, let me define my terms. I consider effective communications those that clearly convey necessary or appropriate information. I consider productive communications those that generate a positive benefit. A positive benefit, in this context, means a benefit that helps to avoid a problem or create a helpful or useful reaction or response. A timely communication responds to the client's inquiry or conveys important information to a client promptly.

How can technology help us communicate better with our clients when we find ourselves (or intentionally take ourselves) out of the traditional office environment? Put another way, how can we use technology to facilitate timely, effective, and productive communications with our clients?

### **Promptness**

First, let's address the issue of promptness. In today's world we should have no problem promptly conveying information to a client. I cannot cite a study that establishes the percentage of practicing attorneys with cell phones, but I know of only a small handful that do not have and use them. Cell phones, although certainly subject to abuse, provide a wonderful tool to attorneys. A cell phone allows you to convert dead time to productive time, and in that productive time you can contact your office, pick up your phone messages,

and return calls the same day you get them. I have heard about clients complaining that they cannot reach their attorney and about their attorney not returning phone calls. I have *never* heard of a client complaining that an attorney promptly returned a call! Yes, cell phones have issues, and you need to remind your client that a confidentiality breach might occur. Personally, I consider the risk of such a breach relatively minor, particularly with the encryption normally employed in cellular telephony. I do, however, recognize the risk and acknowledge the prudence of disclosure to the client. In fact, it may prove prudent to include such a disclosure/warning to the client in your representation agreement. That way the client knows the issue from the beginning of your relationship.

Cell phones also allow us to contact our clients to advise them of the results of important hearings the day they occur. Assuming that you had (as you should have) informed the client that a motion affecting her case would soon be heard, when do you think the client would like to know the outcome—the day of the hearing or a week later? Put yourself in your client's shoes: Which would you prefer? Even if the court has simply taken the matter under consideration, the client will want to know. I have made it a practice to try to reach my clients by phone on the way back from court after a hearing to apprise them of what occurred. In all the years I have done that, I have never once had a client express unhappiness at learning the status sooner, rather than later. I have often had clients thank me for the consideration of letting them know the outcome so promptly.

### **Access to Documents**

Recognizing the importance of a document trail, attorneys should confirm such conversations with a letter. Using a digital dictation device allows the attorney to easily and quickly dictate a confirming letter. The attorney can have the letter transcribed and sent within a day, even if the attorney does not return to the office that day. The attorney can transmit the electronic file to a secretary or to a transcription service by upload or e-mail. An air card (cellular modem) used with a laptop can achieve DSL speeds in most urban locations. It provides the attorney with both connectivity and the ability to efficiently transmit the information. If an attorney dictates a letter after the close of business in his or her office, the attorney can transmit the file to one of the many third-party transcription services and receive the letter back as a Word or WordPerfect document. If the attorney has created or obtained an electronic image version of the firm's letterhead (or carries letterhead around when outside of the office), the attorney can print the letter and mail it from almost anywhere. An electronic version of the firm's letterhead will also allow the attorney to e-mail the letter to the client (preferably as a PDF file) to protect the letter, to make it easy to retain a copy locked to the same letterhead image as the letter sent, and to allow the client ready access to the document (almost everyone has PDF reader software, downloadable for free at [www.adobe.com](http://www.adobe.com)). Most attorneys will find it easier and more efficient to have electronic letterhead and electronic pleading paper in their laptops.

Effective communications require the correct transmittal of necessary information. While at times a client may pose an inquiry that an attorney can answer without doing any

research or investigation, often responding to a client's question will require some research or referring to a document that the attorney has in the file or that the client will transmit. If the client e-mails the document to the attorney, the electronic transmittal makes it available to the attorney whenever the attorney chooses to access it. If the client transmits a document in hard copy form or by facsimile, scanning it into a PDF file allows transmitting the document immediately to the attorney electronically. If the attorney or the office staff scans *all* documents in the file into electronic format as they come into the office, the attorney can carry the file in a laptop and/or on a small external hard disk drive and have access to the contents of the file at almost any time. (Of course, if the attorney receives the inquiry after hours, the absence of anyone in the office to scan and e-mail the document will prevent the attorney from reviewing it until a later time.) Similarly, the air cards discussed above will give the lawyer the ability to access Lexis-Nexis and/or Westlaw or other legal research databases at virtually any time. These capabilities allow a lawyer to satisfy clients' needs while out of town on business (or pleasure) or simply out of the office.

### **Setting Expectations**

In terms of productive communications, a timely response to a question will evoke a positive reaction from most clients, even if the answer is something that they do not want to hear. If, for whatever reason, you cannot address the issue immediately, take the time to make a call or send an e-mail acknowledging receipt of the question and advising that you will do the necessary research or investigation and get back to the client promptly with a response. Prompt attention will go a long way toward convincing clients that you are doing a good job for them. Remember, your clients do not know that you cannot get to their work the instant that they transmit it to you—unless you tell them. Clients like to think you will attend to their matters promptly, if not immediately. By promptly calling clients to let them know that you will get back to them tomorrow or within a day or two, rather than waiting to speak to them until you have an answer in hand, you avoid the possibility of their interpreting your lack of communication as a lack of interest. You provide them a realistic time frame, so that producing as agreed makes you look good and producing early makes you a hero.

A word of caution: Don't write checks that bounce. Calling your clients to say that you will get back to them tomorrow and then failing to do so will undoubtedly prove counterproductive. Don't create a false expectation that puts your credibility at risk.

**John Astune, How to Keep Our Clients Happy (At Least Most of the Time) 33 Colorado Lawyer 47 (April 2003)(abridged)**

### **Initial Encounter**

The initial encounter with the client can set the tone of the attorney-client relationship. Lawyers must act ethically, but, at the same time, they also need to pay attention to the human aspects of their professional relationships.

## ***Telephone***

Lawyers usually speak to prospective clients for the first time on the phone. Although that can offer an opportunity to begin getting acquainted, it is best not to review the prospective client's case in detail at that time. Instead, let the prospective client know that you will go over the details during your first face-to-face meeting.

## ***Office Meeting***

If you have decided ten minutes or so into this meeting that either this person or the case is not for you, tell the prospective client straight out. Then, try to give him or her some assistance in finding the right lawyer for the particular problem.

## ***“Beauty Contest”***

Prospective clients frequently shop for lawyers. If you find yourself in a “beauty contest,” be careful when you engage in self-promotion. There is nothing wrong with self-promotion, as long as it is not likely to create unjustified expectations. Listen to the prospective client and calmly tell him or her what you realistically think you can accomplish. The bottom line is, be yourself.

## ***Objectives***

It is important to ask prospective clients what they want to accomplish. What is their mission? What are their expectations of you as their attorney? Recently, a couple whose young child died at a hospital wished to hire me. They said they wanted no compensation for their terrible loss; they only wanted the hospital to be shut down. Do not be afraid to discuss candidly with prospective clients the practical aspects of their objectives. If they believe a lawsuit can close a hospital, for example, do not take the case. Instead, discuss what winning or losing the case might mean for them. If you cannot or do not want to help prospective clients achieve their real objective, turn down the case.

## ***Managing the Client's Expectations***

Once you have taken the case, it is important to discuss what the client can expect from you. A healthy attorney-client relationship requires that the client's expectations of you are reasonable. If you fail to satisfy the client's expectations, serious problems will occur. Take the time to make sure you and the client are on the same page. A key component is making an agreement with the client as to how to keep him or her apprised

of the case as it progresses.<sup>1</sup>

### ***Fee Discussions***

It is unquestionably necessary to discuss fees up front and reach a clear understanding with the client.<sup>2</sup> However, it is a mistake to allow fees to dominate the early interactions with the client. If you emphasize fees too much, clients may think you care more about earning a fee than helping them with their problem.

### **What Next?**

You have now talked to the client over the phone, met with the client, listened to the client's problem, laid out your strategy, and entered into a fee contract. What next?

### ***Timing***

Most cases require an initial investigation. Keep the client informed about timing. For example, in a medical negligence case, it may take a month to obtain the records and an additional month or more to schedule a meeting with an expert qualified to review the records and give an opinion. Busy lawyers make notoriously inaccurate predictions about how long tasks like these will take. Try to give your client realistic predictions about timing.

### ***Concluding the Case Lacks Merit***

If you conclude "this dog won't hunt," tell the client promptly and resign from the case. Allow the client ample time to secure other counsel. Make sure the client understands any time constraints and statutes of limitations. If it is a litigation matter, be sure to comply with the court rules and move to withdraw. Outside the litigation setting, confirm with the client that the representation is at an end.<sup>3</sup>

### ***Delivering Bad News***

Lawyers are ethically required to keep the client informed of the status of a case. [Rule 1.4 of the Colorado Rules of Professional Conduct](#) requires that a client be kept "reasonably informed about the status of a matter." Delivering bad news is hard. Do not procrastinate. Inform the client of bad news immediately and candidly. Nothing breeds mistrust, suspicion, and resentment more than a client learning of bad news about the case either late in the progress of the case or from someone other than his or her attorney.

### ***Educating the Client***

Litigation is foreign to laypeople. Lawyers should educate their clients about the litigation process. This will require more than one discussion. Only if clients have an understanding of how a lawsuit progresses, from filing a complaint to a trial, can they put the rest of what you tell them in context.

Clients need to know what is expected of them. The attorney failed miserably in conveying what was expected of the client if a client asks the week before trial, “Do I have to be there for the whole time?”

### ***The Human Touch***

Lawyers can forget that clients are human beings with needs, fears, strengths, and weaknesses. They need to take an interest not only in the case, but also in the clients as people. For example, if you learn there was a death in the family, send a sympathy card. Take the extra time, for a human touch will cement the relationship and make your job both easier and more rewarding.

### ***Returning Phone Calls***

Many clients expect lawyers to be instantly and always available. Failing to return a client’s phone calls, no matter how good the excuse, will damage your relationship. Generally, you should answer client calls promptly, but it is even better if you return calls by the end of the same day, even if you reach their voice-mail. It shows you tried. With some clients, it may be necessary to schedule a regular time to discuss the status of their case, such as every other Wednesday at noon for fifteen minutes.

### ***Client Complaints***

Start from the point of view that “the customer [client] is always right.” Many times, that point of view is correct. If the client is right, you should apologize and change your behavior. If you have made a mistake, it is always better to admit it, try to fix the problem that created the mistake, and move on. Do not allow a petty complaint to develop into a big problem.

### **Problem Clients**

All of us have had, and always will have, problem clients. It is a fact of life. Life is better if we can minimize the number of problem clients. Certain traits of clients can make

them “frequent flyers.”

- If the client calls you at home at 4:00 A.M., you have a problem. One of my clients often called me at home in the early morning hours. It turned out that she stayed out late partying and would call me when she got home. The problem was cured when I called her at 6:30 A.M. to talk about the status of her case. After a few such calls, we were able to work out a more sensible system of communicating.

- When clients are rude and obnoxious to your staff, chances are you would not want them to remain as clients. Moreover, chances are that a jury is not going to like them, and they will not do well in court. Be observant about how a client treats not only you, but also those around you.

- Is the client on a crusade? If the client seems so focused on the case, and this appears to be the only thing in his or her life, the client is likely to be difficult, unpleasant, and dissatisfied with the ultimate result. You then have to ask yourself how badly you want this case.

- Does the client become upset over trivial things? One of my clients complained that I misspelled a medical term in a lengthy letter to the opposing side. I wrote the client and explained the typo was not a big deal. It did not cause a problem because I knew opposing counsel, who merely faxed back corrections to my grammar. However, be aware that such clients can be trouble.

- Does the client like to bring loose papers to your office? Do not accept a large box with loose papers in it—it is like accepting a box of live reptiles. Typically, loose papers are irrelevant to the case and may even be illegible (such as coffee-stained). If you accept loose papers, within a few weeks the client is likely to complain that something is missing (a passport, birth certificate, or the like) and insist that the vanished document was in the box of papers that was dropped off at your office.

- Beware of clients who show up without an appointment. We have all had clients who mistake law offices for a fast food restaurant, feeling they can just “drop by” at any time. For most of us, this is a problem. If it occurs, tactfully explain that as much as you like them and intend to do the best job you can with their case, you also have other commitments.

- What about the client who cancels appointments? When this happens habitually, you may wonder whether he or she will cooperate with discovery or show up on time for a deposition. If you notice this pattern of behavior, you should address it with the client.

- Some clients love to write long letters, asking many questions. If you receive a letter with questions from a client, respond in writing, not on the phone. This type of client



wants to be reassured in writing. If you do not respond in like form, such clients can claim that you gave them incorrect advice or that you flatly ignored their pleas.

· Beware of clients who want you to be their third (or more) choice in representing them. Clients who have fired more than one lawyer working on a particular matter could be a problem. This is particularly true when clients criticize former lawyers; for example, they say their former lawyers were stupid or lazy.

## **Termination of the Relationship**

Sometimes, the attorney-client relationship is terminated before the conclusion of the case—the client either fires you or you wish to withdraw from the representation.<sup>4</sup> Whatever the reason, you should handle the termination in a professional and civil manner. *Never* hold the client file hostage. Review CBA Formal Ethics Opinion 104 regarding surrendering papers to clients on termination of the representation. Make sure you do not let your desire to be paid interfere with the client's ability to transition smoothly to subsequent counsel.

## **Conclusion**

Despite our best efforts, we cannot make all of our clients happy all of the time. However, making a conscientious effort will minimize the number of problems. Lawyers must make sure their clients are treated fairly and with respect. They also should be aware of the ethical rules pertaining to communicating with and collecting fees from their clients. In the attorney-client relationship, there is a balance to be achieved. Once achieved, the relationship usually is mutually beneficial. Nothing makes the practice of law more fulfilling than providing a service that clients find valuable.

**Christina Pesoli, Best Kept Secrets to Keeping Your Client Happy: Five Rules Your Clients Wish You Would Live By 61 Texas Bar Journal 1002 (November, 1998)(abridged)**

### **1. Treat Every Client Like a Big Fish.**

Most clients labor under the illusion that they are your only client. And those pragmatic enough to realize they are not believe they are your very most important client. When they call you, they expect you to take the call –immediately. If you cannot take the call immediately, they expect you to return their call – immediately.

Some attorneys mistakenly think they should give their clients a healthy dose of reality – explaining to the client that he or she is only one of *dozens* of clients, and that the

other clients are *really* huge and important. After all, if you could only convey to your client that you spend your day tending to the pressing needs of highly sophisticated clients, then your client would understand why it sometimes takes you a while to return his or her phone calls. Maybe then the client would realize how lucky he or she is to have you as a lawyer, right? Wrong. This is one of those unusual cases where honesty is not the best policy.

Every client wants to feel important. Whether you are dealing with your smallest client whose average bill is \$100 per month, or your largest client whose average bill is \$100,000 per month, to each of them your fees seem HUGE. And whether or not they admit it, most clients feel that with all the money they pay you, they ought to at least get a little respect. If you convince them that, despite all that money, they are still just small potatoes, they will be susceptible to the pitch of another lawyer who promises to make them feel significant.

So, go ahead and indulge your client. Do not just allow them to think they are your most important client, go ahead and actively foster that belief. Return their calls as quickly as possible. Be attentive in your demeanor—never make them feel like they are interrupting you. If you do not rush them and actually give them a chance to think while they have you on the phone, you will strengthen your relationship and there will be less of a chance for mis-communication. Most importantly, your client will have time to brainstorm about future projects, which ultimately will lead to more work for you.

## **2. You Got the Part, Now Act the Part.**

Most clients have preconceived notions of how an attorney should act and look. And believe it or not, they do not want to be disappointed. Since they do not really know the ins and outs of what you do, their confidence in you to a large extent is based on appearances and impressions. Your friends may know that although your name is Stacy, your nickname is “Spacey” because you are a little scatter-brained, but that is more information than your clients need to know. They expect you to come across as sharp and sophisticated.

Finding the proper level of sophistication for you and your clients can be tricky. On one hand, it is possible to go too far. Since every client thinks that he or she is your only client, each client also thinks you have bought everything in your office with his or her hard-earned money. If your office is too lavish and sumptuous, you are likely to scare your clients into thinking they cannot afford you, no matter how reasonable your bill really is. On the other hand, it is also possible to fall short of the mark. If you or your offices appear shabby or sloppy, your client is likely to think (or worse yet, say behind your back) “With all that money I pay him [or her], you’d think he [or she] could spruce up a little.” The bottom line here is that both you and your office should be nicely appointed and well organized, and you should act professionally at all times. Just because your client dresses

in jeans and offices out of a Suburban does not mean you should too.

### **3. Your Word Is Your Bond.**

If you tell your client that you will get a memo or a document to him or her by a certain time, make sure you meet – or beat – that deadline. We all know clients want everything yesterday, and when they call you with a project they have a mental picture of you sitting at your desk, by your phone, with a fresh legal pad, just waiting for them to call with an assignment. We also know that your client’s mental picture could not be farther from your personal reality. Your job in this scenario is to take control of the situation. Try to avoid letting your client set the deadline, if at all possible. You should assess your client’s needs and time constraints, and then give a realistic (not overly-optimistic) deadline. Your deadline should be as soon as you can get it to them, factoring in a reasonable margin of error, 15 or 20 minutes to eat, a couple of hours of sleep, and the two dozen other projects you are working on.

Once you give your client a deadline, make sure you keep it – no matter what. This goes back to the concept that your client does not really have any idea what “lawyering” involves, so your client’s opinion of your legal competence will be based largely on behavioral clues wholly unrelated to your actual legal skills. One important clue to your client is whether you meet your deadlines. Your client will glean from this – either consciously or subconsciously – what sort of analytical skills you have, whether you are well organized, how you manage your time, and, frankly, whether you are trustworthy.

Nonetheless, if you realize that there is no possible way for you to meet a deadline, the question becomes how do you handle it? Do you (a) just keep working, miss the deadline, and get it to your client as fast as you possibly can; or (b) call your client, explain what is going on, and revise the deadline (which you will either meet at all costs, or pack a small bag and flee to South America in the middle of the night, rather than face the shame of being a two-time failure)? If you chose (b), you are absolutely right. Here’s why: When you set a deadline for yourself, your client remembers it. If you think the deadline will come and go without your client realizing, and you can sneak the document to the client later and he or she will be none the wiser, you are wrong. It does not matter if your client throws the document into a briefcase where it will ride around for a week before he or she even bothers to glance it over (which everyone knows is routine procedure for most clients). Nor does it matter if your client routinely misses deadlines for getting information to you. Your client expects you to meet your deadlines. Every time you fail to do so, it erodes a little bit of your client’s confidence in you.

One final point on this topic: If you have to call to ask for an extension, avoid telling the client that you cannot meet the deadline for the project because you have been working on a project for another client – even if that is the truth. Remember, your client thinks he

or she is your *only* client. Telling him or her that you have put another client's project before his or hers is likely to remind him or her of *The Brady Bunch* episode where Marsha backed out of a date with one guy because she got a better offer from another guy. In short, your client will feel like you regard him or her as second string material, and that is not a good feeling for clients to have.

#### **4. Round Down, Not Up**

Before you throw down this article in disgust, bear with me for a minute. We can all admit that when our clients first open our bills, they sometimes experience a little sticker shock. That is not to say that the bill is not fair, or that the services we provide are not valuable. Rather, it is a simple and honest admission that sometimes that total number can be, well, a little hefty. What you might not realize if you have never been in-house is that your client actually *reads* your bill – carefully. In fact, your client is motivated to do this because your bill actually provides hours of cynical comic relief for your client and his or her pals. (“Hey, what’s wrong with you? Don’t set your coffee cup on that! Don’t you know a \$5,000 letter when you see one?”)

Because your total bill will seem high to your client, you want to make sure that when he or she reviews it, each individual entry comes across as reasonable. Thus, if you talked to your client for 22 minutes on the phone and three of those minutes were spent discussing golf, do not round up and bill for a 30-minute telephone conference. Instead, round down and bill for 15 minutes. This may seem insignificant to you, but to your client it is huge. You see, when your client reviews your bill, he or she will remember that you spent part of the time shooting the breeze. If the bill reflects charges for the chitchat – plus an extra eight minutes on top of that, he or she will resent it. If your client sees you considered the chitchat to be for the sake of friendship and not for profit, and you threw in some free professional time on top of that, he or she will appreciate it.

Also, make it a point to review bills from your clients' perspective before you mail them. How would you feel if you were receiving the bill? Can you really justify charging \$3,000 for that memo? If you rounded it down to \$2,800, would it make your client feel good about it, rather than feeling taken to the cleaners? If it does make the difference, it is worth foregoing the \$200. Look for and delete entries that appear so nickel and dime-ish that they will not pass the snicker test. Did you bill for the five-minute call you made to confirm the time and place of your meeting? If so, delete it. By deleting or adjusting entries that are likely to make a reasonable person snicker, you will be doing yourself and your fellow lawyers a favor far more valuable than the money you will be leaving on the table.

Finally, pay special attention to time entries for meetings and telephone conferences for which your client was present. On these items, always bill for slightly less time than you actually spent. Your client takes note of how long his or her phone calls and meetings

with you last – and clients tend to round down. When your client gets your bill, he or she checks his or her notes against your entries. If you round your time up slightly, there will be a noticeable disparity between your bill and your client’s recollection. This disparity gives rise to countless hours of bad lawyer jokes. If you round down slightly, your bill will match or perhaps even be more conservative than your client’s estimate. This will escalate your client’s estimation of you, which in turn will earn you an honorary exemption from being your client’s favorite punch line.

## **5. Lawyers are from Mars, Clients are from Venus.**

I know people hate to talk about this sort of thing, but what you and your client have going is actually a *relationship*. And just like any relationship, keeping it healthy and strong takes hard work, dedication, and yes, even the dreaded “C” word – commitment. What this means is that you cannot take your clients for granted. Even though times are great right now, and there is plenty of work rolling in the doors, many of us lived through the lean years when the work dried up and every lawyer was scrapping for what little work was left. You need to pay attention to your clients – in good times and bad, in sickness and in health. Let your clients know you care, and never miss a chance to strengthen your relationship. That way, when times get tough, your clients’ attachment to you will be strong enough to withstand the sultry appeals of other lawyers.

And do not forget to apply this advice to your small potato clients. Why? For two reasons: First, there is nothing like a little economic downturn to suddenly elevate the importance of all of the small potato clients in your life. Second, every big potato started out as a little grub. The fact is, you cannot be certain which of your small potato clients will grow into the next Microsoft. Therefore, you should assume they all will.

So, how do you let your clients know you care? First of all, take the time to really *know* your clients. Talk to them about where they see themselves in the next five to 10 years. Second, keep up with the news and trends in your clients’ industries or areas of business. If there is a major industry publication for your client’s line of business, order a subscription and page through it each month. Third, make sure your clients know you are keeping up. If you come across an article in the *Wall Street Journal* that pertains to your client’s industry, fax a copy to your client with a quick cover letter (and do not bill him or her for it). Do not worry about whether your client has already read the article. Your client will be happy to know that (a) you thought of him or her; (b) you are keeping up with the developments in his or her industry; and (c) you do things for him or her that you do not bill for.

Second, do not underestimate the value of a little client entertainment. Take your client to lunch or dinner. And yes, if you and your client both like to golf, by all means take your client golfing. If you are in Austin and your client is in Houston, you are not off the

hook. Instead, you will be earning more frequent flyer miles. Do not take your client to lunch only when you have a deal to hash out. Similarly, do not take your client to dinner only when you are celebrating a big closing for which you collected a big fee. Schedule lunches and dinners “just because.” Use these opportunities to get to know your client better – both personally and professionally. Ask questions about your client’s industry, business, and personal career plans, if appropriate.

Finally, ALWAYS remember your clients during the holidays. I realize that the trend in the ‘90s has been moving away from giving clients Christmas gifts. But having been in-house, I can attest to the importance of these gifts. They do not have to be expensive – I’m not talking about giving each of your clients a new Hummer. On the other hand, a package of candy canes from Wal-Mart will likely hurt more than help. Even though they are not all that unique, baskets with good coffees, cookies, nuts, and candies that your client’s whole office can enjoy are usually well-received.

But a couple of words of warning here: If you are giving separate holiday gifts to individuals who work for one client (*i.e.*, a gift to the general counsel, and gifts to each associate general counsel), do your homework and make sure you do not leave anyone out. The effect of leaving someone out is twofold: First, it creates the impression you have not bothered to get to know your client very well. Second, instead of spending \$200 in return for some goodwill, you will be out \$200 and will have lost points with your client in the process. Talk about a bad return on your investment. A month after the holidays, the legal department at your client’s office will not be talking about the lovely gift baskets you sent to Jim, Chris, and Jennifer. Instead, they will be laughing about how you snubbed Walter. And you do not even want to know what Walter will be saying.

Finally, while your gifts do not have to be expensive, you must give them some thought. If you know your client does not celebrate Christmas, be sensitive to this fact. This does not mean you should cross him or her off your gift list. Instead, make sure your gift is not tied to a holiday that he or she does not celebrate; or, in the alternative, remember him or her on an occasion that is significant to him or her. Similarly, do not deliver chocolates to a client that you know is a diabetic.

Having said this, there are things that you cannot be expected to know. For example, if you send a tin of holiday cookies with nuts in them, and unbeknownst to you, your client is allergic to nuts and cannot partake, you will not be in the dog house. In that instance, the old adage “it is the thought that counts” will rescue you, and the rest of your client’s office will enjoy the cookies. (If, however, you were with that same client six months ago when he had an allergic reaction to pine nuts at lunch and you had to rush him to the minor emergency center, the reaction to your gift would be different.) In short, if you are going to the trouble to send gifts to your clients, make sure you get your money’s worth. You do not want to spend money and time on something that ends up backfiring on you. A little bit of thought can go a long way.

**Jim Calloway, Keeping ‘Em Happy: The Secrets of Client Satisfaction 24 (1) GPSolo 10 (January/February 2007)(abridged)**

**Careful Screening of Clients**

Veteran lawyers have learned which clients to avoid. Here are some warning signs of potential problem clients. When potential clients exhibit several of these warning signs, it is appropriate to ask yourself whether you should represent them at all.

1. The client says, “Money is no object. It is the principle at stake.”
2. The client has had two or more previous lawyers involved in this matter.
3. You are being consulted on the eve of a critical deadline that the client has known about for some time.
4. The client owes money to his or her previous lawyers and/or expresses dissatisfaction with them.
5. The client is reluctant to sign a retainer agreement and has an excuse as to why the full retainer cannot be paid immediately. (Never allow yourself to be placed in a position where you are more committed to a client’s matter than the client is.)
6. The client has unrealistic expectations about the relief he or she is seeking.
7. You have a “bad feeling” about this client that you just can’t quantify. (Do you really want to spend months working with this client? Will a judge or a jury have the same reaction when the client’s credibility is at issue?)
8. The client didn’t bring important, critical papers to the scheduled meeting with you.

**When Perception Is Reality**

Implementation of a client-centered law practice rests on the understanding that clients are the sole judges of how good your law firm service was for their matters. You know you cannot please everyone. Many clients will be unhappy about having to be involved with the legal process. Many clients were forced to hire a lawyer owing to events outside of their control. They may believe that they did everything right or “should” have the right to behave as they did. They may have a bad attitude. However, all of that does not matter. They are the sole judges of your practice for their matters as surely as the trial judge is the sole decision-maker when ruling on your case in litigation. The only difference is

that with disgruntled clients, there is no appeal, so their perception is truly your reality.

It is the clients' perceptions that will result in either future referrals or, perhaps, a future bar complaint.

Clients tend to base their perceptions of their lawyers on many things that were not covered in law school. Your brief may have been letter perfect, and opposing counsel may have had an inaccurate statement of the law, but this may blow right by the client. On the other hand, if the receptionist is snooty or you always sound like you are trying to get rid of your clients when you are talking with them on the phone, that they will remember.

Just as in the example of poor service in the restaurant, things that may be accorded great weight are the tone of a receptionist's voice, the amount of time a client is left on hold on the phone, the promptness of returned phone calls, the physical appearance of an attorney's office, or how quickly copies of pleadings and correspondence are routinely mailed to the client. Such factors may contribute more to your client's perception of the quality of services rendered than matters lawyers are trained to consider important. (See my article, "The Client-Centered Law Practice," [www.okbar.org/members/map/articles/client1.htm](http://www.okbar.org/members/map/articles/client1.htm).)

## **Client Communications**

The fact that clients judge us on our communications and client service is important to understand. We want our clients to be satisfied and appreciative. We want them to refer us business. We want them to return to us with their new business. In today's terminology, we want our offices to be user-friendly. Therefore, it is important that we set appropriate client expectations and fulfill our clients' needs in communicating the good job that we are doing for them.

What constitutes effective client communications in the twenty-first century? We have more tools to communicate with clients. Does that mean that we have better communication now?

The twenty-first-century law office should be able to communicate with the clients in whatever method they choose. Some clients will want to receive paper, and the traditional methods will be best for them. (If you represent many unsophisticated consumer clients, I recommend investing in an inkpad and a stamp that says something like "For your information only, no response required" so that you can routinely send them copies of correspondence without getting calls from confused clients thinking that they got the wrong letter.) Some clients will like e-mail. Others may like primarily to talk on the telephone with you, which is fine as long as they are willing to pay for it and you still document important issues in writing.



The twenty-first-century lawyer should help set client expectations as to communications and deal with unrealistic expectations at the initial client interview. Just because it is possible to respond to an e-mail within a few seconds does not mean that this is always a good idea, particularly (as many of us have learned) if the e-mail triggers an emotional reaction. You need to bring this issue up with clients before they send the first e-mail. Inform them that they will likely need to wait a day or two for a response to e-mail, and although there may be times when they get an immediate response from you, that will be the exception rather than the rule. You may be in court most of the day, and generally, except for an emergency, you try to deal with things on a “first in, first out” basis.

The twenty-first-century lawyer will seek the client’s input on reporting frequency. Frequency of communications expectations should be established as well. Some clients want regular updates. Others do not want to be bothered unless there is news. (But even those clients will likely appreciate, and deserve, at least quarterly status reports.)

The twenty-first-century lawyer will discuss appropriate delegation. Clients who have little prior experience with legal services should be told about the law firm’s staff and associates and how they are to be involved in the matter. It is particularly important to stress to clients that their receiving messages from a paralegal, for example, is not an indication that the lawyer is not involved but an appropriate client cost-containment tool.

The twenty-first-century lawyer will guard client confidentiality in communications. This means being aware of the security limitations of e-mail and guiding clients as to whether all, or any, e-mail communications are appropriate in their matters. In my opinion, the lawyer sometimes has to step outside of the rigid boundaries of legal advice and let a client know that deleted doesn’t always mean deleted and that an e-mail from person A to person B may be stored for some time on several other computers along its way over the Internet.

The twenty-first-century lawyer will be able to receive and read digital files in any format that the client wishes. For most lawyers, this means that purchasing a universal file viewer such as Quick View Plus ([www.avantstar.com](http://www.avantstar.com), \$35 to \$39) is essential, particularly when dealing with international clients. It generally means that outbound documents e-mailed to clients should always be saved in PDF format so that the client can use any computer (even a home computer with sparse software) to open and view the file. WordPerfect users can make use of its “publish to PDF” function. Word users need to buy Adobe Acrobat or an inexpensive third-party PDF printer such as PDF 995 or CutePDF.

The twenty-first-century lawyer will instruct his or her staff in the policies concerning client communication and response time. Once the client expectations for communication have been set, the lawyer needs to make sure that the staff understands them, particularly if they deviate from the normal procedures.

The twenty-first-century lawyer will seek client feedback on how well the client believes communications were handled with an eye to improving the office processes in the future. The twenty-first-century lawyer might not have had to concern himself or herself with client surveys, exit interviews, or other feedback processes. But the twenty-first-century lawyer appreciates that the supply of good clients who pay their bills is not inexhaustible. Marketing for new clients is an expensive and time-consuming process, so it is far better to hold on to the clients you have and to obtain their referrals and return business.

Prepare a brief client satisfaction survey and provide it to some, if not all, of your clients when their matters are concluded. The anticipation of the results may be a bit painful, but nothing but good can come from it. Either you will get a good report or you will have the opportunity to correct things or at least apologize before clients tell everyone in town they were unhappy with you or decide to send a letter to the general counsel's office.

Client communication is now a critical function of the modern law office. You must prepare to execute this function in the same professional way you prepare the substantive side of cases you handle.

The best way to have satisfied clients is to do what you said you would do for them, within the time frame you said that you would do it, at a cost that is in line with your predictions.

It sounds easy when stated like that. But we all understand that many conflicting demands on a lawyer's time make it easy to not get that project completed until Friday, even though you said you would have it done on Tuesday. It is always better to under-promise and over-perform. If you have trouble making deadlines for clients, perhaps you need to give yourself more time, consider adding a day or two to the time frame in which you think you will be able to deliver the completed work.

**Rod Boddie, The Key to a Happy Client 41 (1) Law Practice 46 (January/February 2015)**

In my years of working with outside counsel, I encountered lawyers who did great work and those who failed miserably. The difference between truly great outside counsel and the rest of the pack generally had little to do with the lawyers' technical competence; rather, it was the manner in which the lawyers provided legal services. Properly setting and managing the client's expectations were typically the common elements among the crop of great outside counsel.

Nothing will affect your relationship with your clients more than how you perform in relation to your clients' expectations. Often outside counsel will charge into a matter

with the goal of getting the “right” result--such as winning the litigation, negotiating a favorable lease, etc.--without inquiring about client expectations. Clients often will enter a matter with a general idea of what they believe it will cost, who will work on it, the time line, their level of involvement, and what the results will be, among others. Yet clients may not convey these expectations unless you solicit them. If you take on a piece of litigation that you know will cost \$250,000 at a minimum, and the client believes he or she will walk away having spent only \$100,000, you will have an angry client, regardless of the matter’s outcome.

The best recipe for a happy client is to set and manage that client’s expectations from the outset. Two important and overlapping strategies can accomplish just that. The first is effective matter management, and the second is effective client management.

## EFFECTIVE MATTER MANAGEMENT

When clients send work to outside counsel, they generally do so either because (1) they lack the technical expertise to handle the matter internally or (2) they lack the resources to do so. Either way, clients will have certain expectations for outside counsel that include taking the initiative, effectively managing the matter and keeping the client in the loop. To ensure that you are able to set, manage and address your client’s expectations, whenever you start a matter you should provide the client a preproject plan that outlines how you intend to manage the matter. Whether the plan is a sophisticated piece of software or a simple outline in a Word document, it should include:

- **A matter summary.** This entails a summary of the matter and what your role will be in connection with it. This will ensure that you and your client are on the same page about what the issue is and what you are expected to do.
- **A roster.** You should provide a roster of the lawyers and other personnel who will be working on the matter. If you have the information, include the client’s personnel with whom you’ll be working.
- **A communication plan.** The heart of any preproject plan, this will outline how you’ll be communicating with the client. Will you have regular conference calls? Will you provide regularly scheduled email updates? Will you simply provide updates as circumstances change? Who will be included on these communications? What will be the medium of communication, i.e., phone, email, shared platform, etc.? Note that if your client ever has to call or email you for an update on any aspect of the matter, your communication plan is deficient. Recalibrate the plan to ensure that the client is always in the know.
- **The legal implications and strategy.** This is a summary of the legal implications surrounding the matter and how to address those concerns. It is far more important in matters such as complex litigation and lobbying, but in any

matter, use this as an opportunity to show that you have thought through the issues and have considered their legal consequences.

- **An action plan.** The action plan is a list of the steps you will take to accomplish the desired goal. Include what steps your client should take and what resources you intend to deploy. The action plan should be continually updated and communicated to ensure that the client is aware of what the next steps are and who will be taking them.

- **A budget.** Provide a budget estimating the cost of the matter. It should include the frequency of billing, the billing rates of the lawyers and support staff, and other pertinent billing information.

- **A time line.** Supply a projected time line detailing the various steps, when they will be taken and who will be involved in each step.

In preparing the preproject plan, consult with the client about his or her preferences. The client should weigh in on the preferred form of communication, whom he or she wants on the roster and other preferences. Avoid asking the client the open-ended question, “How do you like to communicate?” Instead, come to the table with a completed plan and say, “This is how I propose we proceed on this matter. Please let me know if you have any additions or modifications that we can incorporate.” This will display your initiative and will go a long way toward accomplishing one of the primary purposes of outside counsel-making the client’s life easier.

What, how much, how long and how are the questions you should answer for your client up front. When the client goes into a matter well-informed, your chances of having a collaborative, rather than combative, relationship are increased. Remember that your goal is to align your client’s expectations with reality. Your preproject plan should be realistic. Don’t set a budget and a time line based on the best-case scenario. You want to bring your client’s expectations in line with reality, not distort reality to match the client’s ideal outcome.

Although providing this information up front is an important step in setting your client’s expectations, your obligations with respect to those expectations don’t end there. You must execute the plan, especially with respect to communication. You should update your client on a regular basis as to where you are vis-à-vis the plan. Are you within budget? Where are you with respect to the time line? Do you need to adjust the legal strategy? What steps should be taken next, and who will drive the process? Make a concerted effort to provide regular updates to your clients to continue the management of their expectations.

What happens when, during the course of the representation, it looks like you may not meet expectations? Despite your best efforts, it’s impossible to plan for every

contingency. Sometimes, a matter will drag on longer than expected, fees will exceed the amount budgeted or issues will arise that increase your client's legal exposure. You will need to reset your client's expectations by keeping the client informed. Clearly explain the circumstances and draw a revised and realistic road map going forward. Communicating the issues to the client on a real-time basis throughout the matter will maintain harmony in the lawyer-client relationship by preventing significant disparities between reality and expectations.

## **THE IMPORTANCE OF CLIENT MANAGEMENT**

Lawyers have been characterized as notoriously bad managers. Whether this is accurate is subject to debate, but unfortunately you will have clients who lack the time to effectively manage a particular matter. If you fail to effectively manage the client who does not effectively manage you, you do so at your own peril.

The best way to manage a client is to get the client engaged by setting the client's expectations, communicating regularly and clarifying assignments. Clients who are not engaged can prove problematic in several ways:

- They often fail to provide general information that could be useful to you during your representation.
- They can be slow to provide more critical information or necessary feedback, hindering your ability to do your job.
- Having only a cursory knowledge of the details of the matter and lacking an appreciation for the effort you have put in, these clients are more likely to question the fees when the time comes to deliver the invoice.
- If a matter implodes as a result of your client's failure to properly manage and participate, the client will likely not fall on his or her sword. You will be blamed. So if a client doesn't manage a matter, you must manage it. If a client doesn't engage in a matter, pull the client in. If a client doesn't manage you, you manage the client.

**Setting expectations.** A client may not be fully engaged in a matter simply because he or she has a number of pressing issues to address and is struggling to give each matter the proper attention. Thus the client leaves issues up to outside counsel to manage with little or no guidance. By providing a preproject plan describing strategy, a budget and a time line, you give the client concrete and simplified information that makes it easier for the client to remain involved.

**Establish regular communication.** Ideally, have weekly or biweekly calls to update clients on any progress or changes in their matters. If you need the client to provide information or take some action, use this call to assign tasks among the parties. Follow up each call with an email summarizing the substance of the call and the next steps, if any. If the call does not happen for some reason, then send an email summarizing any progress or news relating to the matter. If you bill any significant time during the course of a week, you should provide updates for that week. When there is no activity to report, the email should say “no significant activity.” If the client is determined to remain detached, these communications will serve as a paper trail evidencing your efforts to keep the client informed. These regular communications will not only serve to help condition the client to involve him- or herself but will ensure that you are closely managing the matter and will likely result in your producing a higher-quality work product.

**Clarify assignments.** After each conversation or exchange with your client, make sure you understand what is expected of you. On one occasion I worked with a lawyer who sent an email to our outside counsel who was managing a piece of litigation. The email read, “We may want to consider filing a motion for summary judgment, let’s discuss.” Outside counsel responded with “Okay” but never set up a call or a meeting to discuss the issue further. Several weeks later, my colleague realized that a motion for summary judgment had not been drafted and filed *as he had requested in the email*. Outside counsel clearly didn’t see the email as a specific request. Outside counsel’s response should have been, “Please let me know when you’re available in the next day or two so I can set up a call to discuss.”

When a client is ambiguous about what he or she wants done, you can do certain things to ensure that the ambiguity doesn’t lead to the ball being dropped. First, ask questions until you are certain what the client wants. Follow up with a letter and/or email summarizing your understanding of what the client wants and how you propose to proceed. Finally, if your client leaves something open-ended, such as “Let’s discuss” or “I’ll get that information to you soon,” tie up those loose ends. Log these as open issues, put them on your calendar and follow up with the client until these loose ends are squared away.

By setting expectations, outlining the strategy up front, assigning tasks, providing regular updates and clarifying assignments and client requests, you begin removing the most common impediments to identifying and meeting a client’s expectations. Using the power of client engagement will help you deliver greater client satisfaction.

**Steven A. Meyerowitz, How to Keep Clients Happy and Coming Back for More 18 Pennsylvania Lawyer 36 (March/April 1996)**

## **SUPERIOR WORK**

Back in the pre-Bates v. State Bar of Arizona days, before the U.S. Supreme Court

upheld the right of attorneys to advertise, many lawyers believed they only had to do good work to have clients continue to march into their offices.

Most lawyers now seem to recognize that the quality of their legal services alone will not bring in new clients. Ironically, though, it may be that the quality of a firm's legal services is the most important factor in keeping clients coming back.

In fact, Boston-based marketing consultant Deborah J. Addis goes so far as to state that "first and foremost, the most important thing a lawyer can do to retain clients is superior work; that's what clients are hiring law firms for." She says there is "a lot of sloppiness, a lot of mediocrity" in the services that lawyers provide to clients and that superior work "cannot be taken for granted."

Of course, superior work does not just mean typo-free briefs, wonderfully written contracts or nicely bound wills. In the view of Bob Denney, the head of Robert Denney Associates Inc. in Wayne, clients do not buy legal products; instead, they buy "solutions to problems."

That means, says Denney, that a lawyer's work product has to be superior in the sense that it has to meet or exceed a client's needs. To do that, lawyers have to come up with ways to get clients to the position they want to be in.

For instance, Denney says that when a client asks if he or she can follow what, in the lawyer's view, is an inappropriate course of action, the lawyer should not just say, "No." Instead, the lawyer should say, "No, but if you do it this way, it will work." or "Yes, so long as you do it this way."

## **GO ABOVE AND BEYOND**

On many occasions, a lawyer will have the opportunity to point out legal issues that a client may not know he or she is facing. This can lead the client to retain the lawyer for help with these additional matters.

Michael Dever, a shareholder with Pittsburgh's Buchanan Ingersoll, practices intellectual-property law. He often will use some of his firm's resources to examine changes in the law to determine how they will affect his clients, especially in areas other than intellectual-property law.

Deborah Addis points out that when a lawyer places a legal matter in the larger context, the lawyer can become a consultant to a client, rather than just a technician. She emphasizes that lawyers have to do this tactfully, so it does not appear as if they are "grubbing for work." Overselling, Addis says, "can be a real impediment to retention."

As an example of acting more as a consultant than a technician, Addis hypothesizes a case of a lawyer representing a business that is being sued for sexual harassment or employment discrimination. The lawyer can handle the lawsuit just as an isolated job. Alternatively, though, the lawyer can recognize that the client may have a system-wide need for manuals, training courses or management-sensitivity programs. Although these add-ons might be expensive, they can be a good investment for the client, because they can help to limit the client's future exposure to harassment or discrimination lawsuits. Naturally, they also can be profitable for the lawyer, who might participate in the development of these tools and who, by mentioning them to the client, shows an interest in and understanding of the client's business, which in turn might lead the client to retain the lawyer for other purposes.

## **CLIENT COMMUNICATION**

Communicating with clients is another key to having them return with new legal problems.

Patricia A. Miles, a family law practitioner in the Harrisburg law firm of Howett, Kissinger & Miles P.C., notes that she sends copies to clients of all papers that she receives or sends out relating to their matters. Bob Denney agrees that this is important to do and says, if anything, lawyers should "over-paper" their clients.

Michael Dever takes that rule a step further by initiating communications with his clients even when he does not have copies of legal papers to send to them. He sends clients relevant published articles and other written materials (such as a review of the patent literature to determine what a client's competitors are doing). This keeps clients abreast of changes in the law and lets them know he is thinking about them.

Communicating is a two-way street. That means lawyers also have to listen to clients, not just talk to them. By listening, they may be able to discover a client's concerns and learn what they care about. As Deborah Addis states, "A lawyer must hear what a client is concerned about, or the lawyer will not be able to respond properly."

## **PHONE CALLS**

One particular aspect of communicating with clients deserves its own special emphasis because its importance cannot be over-emphasized: returning a client's phone calls.

Patricia Miles believes it is so significant that her firm's retainer letter states that lawyers at her firm will return all client calls with-in 24 hours or sooner if possible. She also has given clients her home phone number. She says they have never abused that



privilege.

Returning phone calls may be particularly important in the family law practice Miles has, where many of her clients are people who are losing houses, spouses, relationships or extended families, but it is also crucial for non-family law practitioners to pay attention to this detail. One of the things clients complain about most often is that their lawyers do not return their phone calls promptly enough -- or at all.

## **CLIENT CONTACT**

Today is the day of faxes, phones and Fed Ex. Yet an old-fashioned way of keeping clients happy and of getting new business from existing clients still works: face-to-face meetings.

“Nothing can beat good face-to-face contact,” Michael Dever declares.

Bob Denney agrees and points out that one thing that a lawyer can do at a face-to-face meeting is to ask the client to critique how the lawyer has been doing. “Say to the client, ‘I want honest feedback about what you think,’” he suggests. This kind of “client audit” can be crucial, he believes, to a continuing relationship, because it can help a lawyer determine if a client is a “delighted” client. You have to be “absolutely sure you have a delighted client before trying to cross-sell,” he says. Satisfied clients are nice, but delighted clients come back and make referrals, according to Denney.

## **PROPER BILLING**

Legal services have to be priced correctly for clients to want to come back. If they are not, neither side may be happy. When a bill is too high, a client may go elsewhere. But, as Deborah Addis points out, if legal services are priced too low, a client may not place a high enough value on the services provided by the lawyer, and the lawyer may be unhappy with the whole situation and unwilling to nurture it. Although a lawyer might consider charging a low fee for a particular matter in an attempt to begin building a relationship with a client, the best advice might come from Addis, who states that “a good job, decently priced, can lead to a long-term client relationship.”

Significantly, Addis does not believe that providing superior services is impossible in a time when corporate clients are increasingly insisting on task-based billing and other restrictions on lawyer charges. “You can do superior work if you leverage properly and maintain controls despite task-based billing,” Addis asserts. Task-based billing should “not be used as an excuse for mediocre lawyering.”

Patricia Miles says that sometimes what a lawyer does not bill for can be as

important as what the lawyer does bill for. In many instances, she will spend time on a particular matter and will reflect that time in a bill to a client, but will indicate “no charge.” This shows clients the work she has done and helps to show the reasonableness of her bills.

## **REDOUBLE YOUR EFFORTS**

The 1990s seem to be an age in which long-term relationships between law firms and clients are subject to change at almost any time. Some might take that to mean that law firms should abandon all hope of keeping clients for the long term. But more client-focused -- and successful -- lawyers might argue that it means law firms should simply redouble their efforts to keep existing clients.

### **Beth Cuzzone, Keep Your Clients Happy: Gauging Satisfaction Through Client Interviews 39 Law Practice 44 (November/December 2013)**

There is no silver bullet to guarantee your practice will grow exponentially each year, but the 80/20 rule is as close as you can get. The 80/20 rule is the industry statistic that notes 80 percent of your firms future revenue will come from just 20 percent of your existing clients. That’s right, your *existing* clients. Client retention, client relations, client satisfaction and client loyalty will drive an increase in your revenues year after year. It is still necessary to grow your external credibility through speaking, publishing and social media, as well as to continue to build relationships through networking, but most of your nonbillable time or investment time should focus on your relationships with clients.

To add value to the services you deliver to clients, you must learn your client’s preferences about communication, risk tolerance, staffing models, technology and other legal services attributes. Value, in the context of client service, is defined by what is delivered to your client that he or she does not pay to receive. Sound substantive advice, accessibility, responsiveness and up-to-the-minute market knowledge have become baseline standards or table stakes-- not added value in today’s legal marketplace. So, law firms must dig deeper to learn more about the changing expectations of clients. For example, ask yourself the following questions:

- **Do your clients expect the relationship partner to be the point of contact for every detail of their matters, or do they prefer associates to run with pieces of the deal?**
  
- **Do your clients expect weekly or monthly updates, unprompted?**
  
- **Do your clients allow an annual increase in hourly rates, or must they be pre-approved?**

- **Do your clients have new people at their respective companies who are affecting your clients' jobs?**

- **Are your clients expanding operations into new geographic regions?**

Each and every answer to these seemingly simple questions could affect the way you change the delivery or pricing strategies of the legal advice you deliver. The 80/20 rule begins to erode when client expectations change or simply evolve, but its law firm's service model does not follow.

To close the gap between changing expectations and legal services provided to the marketplace, lawyers and law firms of all sizes have instituted a best practice of conducting client interviews. The notion of asking clients about their business and changing needs is not a new phenomenon, but formal client service interviews take the basic principle to a new level. No one but you will be able to decide if your clients are best served by an internal-driven client service interview process or by an independent outside consultant. There are pros and cons for each. Some firms are of the mind that they should marry client feedback with the firm's culture and individual strengths, and therefore firm members conduct the client interviews. Others believe that an objective third party is the best way to obtain the client's feedback.

Once you decide who will conduct the client interviews, preparing for the interview and execution of the process remain similar.

## **STEP 1**

Client selection. It's always a good idea to begin with your firm's largest clients. Your finance or billing specialist can provide a Top 20 list of your largest clients by revenue for the last few years. Review the list and choose three clients to target. Select clients with whom you have the best relationships.

## **STEP 2**

Client invitation. The attorney who is assigned as a relationship partner is usually the most appropriate person to reach out to the client and invite him or her to participate client service interview. Don't presume clients will see this as "work." Over the last decade, I have never witnessed a client decline an invite. Your invitation should include an explanation of benefits to the client, namely, providing a better understanding of its needs and opinions.

### Step 3

Interview preparation. The time you take to prepare for the interview will have a direct impact on its success. Try to prepare for a “no surprises” meeting with the client. To be well-prepared, gather the following information:

- Company profile (gathered from Hoovers, Dun & Bradstreet, the client website, etc.)
- List of client’s competitors
- Industry trends
- Client’s press releases and media coverage
- Key decision makers and/or organizational chart
- Billing history (three to five years)
- Billing realization rate (three to five years)
- Discounts/write-off reports (three to five years)

Once you have gathered this information, interview your firm’s attorneys to understand the nuances of the firm-client relationship.

### STEP 4

Conduct the interview. First, remember this is not a pitch meeting or sales call. Interviews should last approximately one hour. The majority of your time should be spent listening to the *client* and taking detailed notes. Do not ask to record the meeting. I personally prefer for the interview framework to include both qualitative and quantitative questions.

Ask your clients about their strategic plan, company direction, change in personnel and their business concerns. A portion of the interview should include their thoughts and opinions about your firm, including these attributes:

- Firm stability
- Lawyer assignment
- Local capability
- Legal costs
- Quality

- International/national/regional service capability
- Responsiveness
- Special requests

Be sure to include an opportunity for your clients to rate the firm. When creating a rating scale for your interview, do not use a three-point scale (i.e., “on a scale of 1 to 3, 3 being the highest ...”). It will allow your client to take a neutral position. I believe you get a more accurate answer when you “force” the interviewee to select a negative or positive position with a four-point scale (excellent, good, fair or poor).

The interview will almost always come to a natural end, but if it does not, be sure to end the meeting on time.

## **STEP 5**

### **Post-interview follow-up.**

The most critical stage of the client interview process is the follow-up and it has several components:

- Formally thank your client for the interview.
- Prepare a client interview report.
- Create a list of themes, Issues, problems or trends identified.
- Organize a meeting with the attorney team to discuss the interview.

During your debrief meeting, each item in your report should be assigned a follow-up. Create a strategy implementation plan as follows:

### **Strategy Implementation Plan**

1. Action Responsible Person Deadline
2. Action Responsible Person Deadline
3. Action Responsible Person Deadline

Now you have a fresh perspective of your clients positive and negative opinions of your

legal services, a client interview report and an action list of items that will serve as a road map for keeping and growing your client relationship. Review the action plan every three months and make adjustments. The action items will become a client service improvement plan. Follow the plan and enjoy a continued relationship with your clients, as well as revenue that continues to grow.

**Milton W. Zwicker, Keeping Those Clients Happy 11(1) Legal Management 38 (January/February 1992)(abridged)**

### **How clients evaluate lawyers**

How do clients evaluate the service they receive from lawyers? Barbara A. Curran of the American Bar Foundation gave us an evaluation system in her landmark study the “Legal Needs of the Public.” Unfortunately, most lawyers have ignored the results of this study in the same way many businesses ignore the needs of their customers. Curran taught us a lot about the unmet and unsatisfied needs of clients. The lawyer-client relationship evidence led Curran to say:

“That one-third of the population believes that lawyers do not meet the needs of clients for information about what needs to be done, and one-half believes that lawyers do not meet clients needs for ongoing information about how the lawyers’ work is progressing.”

Curran also found consumers of legal services rated lawyers lowest in these areas:

- Keeping clients informed on progress on their cases.
- Interest and concern about the client’s problems.
- Promptness.
- Charging fair and reasonable fees.
- Failure to report.
- Slowness and failure to explain.
- Working habits.

This Curran study can be your new frame of reference to begin a client satisfaction movement in your firm. You should know that this list does not contain any reference to a missing brilliant legal argument. Clients already expect you to be knowledgeable in the law.

## **Erase indifference**

Lawyers have an obligation to create a favorable climate that encourages respect, empathy and understanding. If you don't adequately size up a client situation, you run the risk of ruining your lawyer-client relationship. It is this lack of understanding that causes clients to say: "You don't understand my business," or, "I can't follow that advice" or any other expressions of uncertainty.

A client is someone who, driven by self-interest, has the choice of coming to you for advice or going somewhere else. Law firms resonant with stories about the brilliance of some legal argument, a good address to a jury or a well-written brief. We enjoy hearing and telling these stories.

They don't resonate with stories about good client service. But they should, especially if lawyers carefully consider why clients stop patronizing a law firm.

The leading explanation--cited in 67 percent of cases by Jay G. Foonberg in "How to Start and Build a Law Practice"--is discourteous and indifferent treatment or simply lack of good service. This statistic should be posted in every lawyer's office.

The make or break factor in the success of today's law firm has to be a commitment to clients--in words and deeds. Clients, once passive, now want to become active players in the process of delivering legal services.

In the best sense, customer service is treating clients with respect. And if you listen to them and act on what you have heard, you have made them part of the decision-making process. This is a basic and important change in the function of clients, but it is one they want. You simply must solicit client feedback, asking for evaluations on every aspect of a client matter, from work to people.

You may believe that clients don't know what they want and don't appreciate what they get. You may be right. But clients know when they are not happy. Good client service pays dividends. A Harvard Business School study of 3,000 firms revealed the top fifth of companies with high service scores earned an average return on investment of 32,percent and return on sales of 13 percent. Those in the bottom fifth had a return on investment of only 12 percent and a return on sales of just 5 percent. It pays to listen to clients.

Satisfying clients means hundreds of things, such as knowledge of your area of law and a good bedside manner. No one model of service can ever hope to capture all that it takes to satisfy clients. You must define what you mean and how to achieve it. This requires a model and an understanding of how to communicate with clients and staff.

Client service is an acquired skill, and everyone who works in a law firm needs this

skill. It can't be a separate department or person. There should be a constant upward pressure to improve service. Gaining and keeping clients' allegiance is just good business.

**Jenny B. Davis, What I Like About My Lawyer, 89 ABA Journal 33 (January, 2003)**

*SHE'S A WONDERFUL HUMAN BEING. ... I always get my money's worth. ... He was there for me, period. ... I felt like I was getting good advice from a wise person.*

These comments were made by people who were asked to describe their lawyer—people who were, simply put, happy clients.

Countless seminars and continuing legal education programs have been dedicated to the oft-elusive phenomenon of the happy client, yet the expert at the podium is more often merely a middleman—a lawyer or a consultant—relaying the findings of some study.

Many of these studies provide important insight into how people find their lawyers and what practice areas are in demand. But when they stray into measuring client satisfaction, it can be difficult to translate percentages into practice. For example, a 2000 study by Lawyers.com and Kaplow Communications found that 75 percent of clients who express dissatisfaction felt that their lawyers did not achieve the results they wanted. Slightly more than half felt their lawyers were too expensive. Similarly, a study issued last year by the ABA's Section of Litigation reported that 69 percent of Americans believed lawyers were more interested in making money than in serving their clients.

So does it follow that happy clients are those who have won their cases at a discounted rate?

Surely this outcome has been enough to fully satisfy some. After all, who wouldn't be content to have a crisis resolved in their favor—both legally and financially? But for the happy clients interviewed for this story, it wasn't that simple. Their satisfaction wasn't tied to a courtroom windfall, a successful settlement with a free breakfast thrown in, or even pursuing a case to the bitter end. What most impressed these clients was a function of process rather than an end result: consistently keeping in touch, consistently putting forth extra effort, consistently providing extra information.

Of course, every client relationship is different, and every lawyer can't—and shouldn't—adopt every mannerism and action praised by these happy clients. But if there's one thing to be learned, it's that the happy client is not a myth. And in an increasingly adversarial world, it seems that nice lawyers really can finish first.



## GO THE EXTRA MILE

CHRISTINE WILLEY WILL NEVER FORGET NEW YEAR’S EVE, 2001. That night, two men in a beat-up sedan veered onto the median of a Southern California highway and then over-corrected their car’s trajectory, sending them straight into the path of her new sports car. Although she received relatively minor injuries, the pain was intense. “It was very traumatic for me, and I wasn’t doing well at all,” recalls Willey, an administrative assistant. But she knew immediately who to call to represent her: Arnie Goldstein of the two-lawyer firm Goldstein & Gurbuz in Los Angeles.

Willey had hired Goldstein once before—in 1999, when she was involved in a car accident where fault was contested. At that time, Goldstein was an associate at a larger firm, and the firm had dispatched him to represent her at a settlement conference. She had never met him before, but was immediately impressed when he suggested an additional compensation option that she could pursue. None of the other lawyers at the firm had given her that information, she says. When Goldstein eventually told her he was leaving the firm to start his own shop, she fired the larger firm and hired him. She based her decision in part on the personal attention Goldstein gave her.

“Even in that first case, Arnie always went out of his way for me,” says Willey. “He knew I didn’t have a car, so he came to my house to bring me paperwork to sign, he picked me up for appointments, and he always called me right back when I left messages.”

Willey appreciated Goldstein’s concern for her life as well as her case. “When I got into my second accident,” she recalls, “I called him right away and he was like, ‘How are you doing personally?’” She also says her interactions with Goldstein always held a human touch. “Some lawyers keep their personal lives private, but we talked about our kids, about his baby,” she says. “Arnie can be strong and hard when he’s fighting for you. He’s not a soft guy when it comes to getting you what you deserve. But when we’re meeting one-on-one, he’s a good person. He’s very compassionate. He wants you to call him, give him updates on how you’re doing.”

### ***Arnie Goldstein comments:***

*“Everyone in our office—me, my partner and our administrative assistant— makes an effort to know every client. This is important because, oftentimes, my partner and I will work on each other’s cases. I don’t want to be in a situation where I show up on one of Bob’s cases and the client says, ‘Who is this guy?’”*

## COMMUNICATION: CONSTANTLY AND CORRECTLY

AS EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL of Oakland-

based Golden West Financial Corp., Michael Roster is used to paying top dollar for top lawyers. And it's less about what he gets from the lawyer-client relationship, however, than it is about what he doesn't get.

"The key is no surprises," he says. "In terms of how the matter is managed, you don't want to hear that the litigation has gone off track or that a corporate transaction has hit snags." Not that problems don't arise in handling the legal affairs of a financial services company worth about \$67 billion. It's just that when they do, Roster doesn't want to be the last to know.

"Communication has to be good; communication has to be constant," he says. It all boils down to having a comfort level. "I would prefer that a firm just tell me what's going on, what something is going to cost," he says. "That way I will know that [the lawyers] were focused, and if it costs more it's because it has to be done."

Roster gets the service he expects from San Francisco lawyers like Jerry Roth of Munger, Tolles & Olson and Mark R. Levie of Orrick, Herrington & Sutcliffe.

Although Roth and Levie handle different types of corporate matters for Golden West, Roster says they both have one thing in common: They communicate in a direct, forthright manner and give Roster the information he wants exactly the way he wants it.

"Each person is different. Some want a phone call, some prefer voice mail, some a one-line e-mail. Whatever it is, the lawyer needs to find out. But I am always amazed at how few lawyers actually ask," Roster says.

He admits that he's primarily a phone guy. And when the lawyers he's hired keep him in the loop with frequent calls, he stays happy regardless of whether that call is a five-minute check-in to say, "We did it," or a 50-minute mea culpa. "If [an outside] lawyer were to call me and say, 'I think I goofed,' the rapport we have makes it no different from when a senior executive at the company makes a mistake," he says. "The right relationship means that it doesn't matter whose payroll the lawyer is on; we're all a single team."

***Jerry Roth comments:***

*"When my clients call me to find out where a case stands, I want to be able to know exactly what's going on rather than having to go check with five other people at the firm to know what the status is. To assume at the outset that every client needs a large legal team is a law firm mentality, not a client mentality."*

**Mark Levie comments:**

*“If something comes up that my clients don’t want to hear, or I think we are going in a direction that is not right for whatever reason, I would not hesitate to tell them, and I feel they would want me to do that. I think it also helps that our clients know it is my job to find the right way to get their goals achieved. So I am not saying no; I am trying to find a way that works.”*

**SAYING NO ISN’T A SIN**

IT’S BEEN MORE THAN FIVE YEARS SINCE WENDY WATKINS dealt with a lawyer, and she’s still raving about the experience—not ranting, raving—even though the lawyer she contacted didn’t take her case.

Today Watkins works as a free-lance writer in northern Virginia, but when she called workers’ compensation specialist Paul H. Sighinolfi, she had just quit a small-town newspaper in Maine.

Because of the circumstances that caused her to leave her job, she filed for unemployment benefits. The newspaper contested these benefits, and she decided to appeal. So she called Sighinolfi of the Bangor firm Rudman & Winchell to represent her at the administrative hearing.

“When my employer appealed, I had so much emotion,” she says. “But in my heart, I knew I was right.” Still, she had reservations about facing the court on her own. “I was afraid that I was going to turn into a quivering blob in the hearing and I wouldn’t be able to present myself well.”

Sighinolfi had previously helped Watkins’ mother favorably resolve a workers’ compensation case involving her father’s death. Despite this prior relationship, Sighinolfi told Watkins that she didn’t need his services.

“I told Paul the whole story over the phone, and he said, ‘Wendy, keep your money. I could represent you, but you will do a good job on your own,’” she recalls. “He said, ‘Don’t be afraid of the hearing. You don’t have to be as tough as you think you do. Be yourself and you’ll be fine.’”

In addition to the pep talk, Watkins says Sighinolfi took the extra time to give her some valuable tips on the process in general. Although the information he gave her was likely common sense to him and only took a few minutes to impart, it proved invaluable to her. “He told me what to expect in the hearing and what kind of papers I needed to have with me,” she says. “I kind of knew what I needed anyway, but just having him tell me

what to expect made a big difference.”

So Watkins went to the hearing alone. “I did end up crying, but it wasn’t as bad as I thought,” she says. “I was able to handle everything myself. I won, and I got to keep every penny of my benefits.”

***Paul Sighinolfi comments:***

*“What you don’t want to do is have people retain lawyers for things that can be amicably resolved in other ways. Periodically, people will call and say, ‘I have this problem,’ and they’re ready to take the gloves off and get into a bare-knuckle fistfight. Someone like me who does this type of litigation for a living can step back, spot the issues and tell people whether they can solve the problem themselves.”*

**BE SINCERE, BE CONFIDENT, BE YOURSELF**

WHEN DR. STEPHEN S. WACHTEL NEEDED A LAWYER TO handle a dispute with his employer, he asked his son, also a lawyer, for a referral. His son gave him the name of a former co-worker, Maureen T. Holland.

Wachtel trusted his son, so he agreed to meet with Holland. Although he tried to keep an open mind, he was skeptical.

“I felt a little nervous that I didn’t know her personally,” says Wachtel, a professor at the University of Tennessee Medical Center. “I am 64 years old, and I have been around the block as far as lawyers go.” He also had no shortage of lawyers he felt he could call on. “I have worked with attorneys before as a consultant and on contractual matters, so I knew enough attorneys to make an intelligent choice,” he says.

Wachtel says his nerves weren’t eased when he and his wife walked into the office of Holland & Associates in Memphis. “It was sort of nondescript,” he recalls. “I realized she was young and just starting out, and I think the office reflected that she didn’t have a lot of money invested in her image—no rich antique furniture, no matriarch secretary.”

Instead, it was Holland’s demeanor and her approach to his case that turned him around. “My first impression of her was that she was a very clear thinker, and that was justified as the weeks went by,” he says. “At the initial meeting, I remember her comforting me and saying, ‘You don’t have to worry anymore. That’s my job.’ It was more like a kindness than a setup for a charge,” he says. “I was involved in the setup of a corporation, and I felt like those lawyers were charging for a glass of water. But here was a lawyer who was sincere. It was clear that she was confident in her own abilities.”

Wachtel says Holland asked all the right questions and proved to be an excellent listener. And she wasn't afraid to provide her opinion of the case. Says Wachtel, "I could tell she was an aggressive person, and most aggressive people like to talk. But she was hearing what I was saying as well as listening. In doing that, she was able to direct my thinking along lines I hadn't considered. She showed me a different way to think about the case."

Wachtel eventually hired Holland. "After we started working together, it became clear that we had the best attorney for the job," he says. But there's more: After nearly a year of collaboration—and tirelessly fighting for every inch of ground—Holland advised Wachtel to drop his claim.

"That's the amazing ending," he says. "She told me that the amount of money that we'd win wouldn't be worth the trouble and the pain. It wouldn't be worth years of agonizing meetings, nasty phone calls, depositions. My first reaction was, 'Oh no,' because there were a few people I wanted to get; I just wanted them to get sued to catch them in lies."

But Wachtel took her advice. And after walking away from the case, his amazing ending got even better. Not only was he able to keep his job and preserve a friendly work environment, but his employer also apologized.

Says Wachtel, "In the end, her advice was the best way—she's my favorite lawyer."

***Maureen Holland comments:***

*"Often when people go to lawyers for their 'free consultation,' it can seem like a condo sales job. I generally charge for my time so that people don't feel like they're obligated to me or that I am going to hook them into a situation. It also gives me a chance to tell them my opinion of their case and give them clear, concise advice. One of the things I've heard myself say is, 'This is what I recommend, whether you hire me or not.'"*

**PROVIDE ADDED VALUE**

CYNTHIA S. DIAZ HAS A SIMPLE REASON WHY her company's outside counsel is so valuable to her. "He helps me be a better lawyer," says Diaz, deputy general counsel of San Antonio-based Mission City Management.

Lawyer Michael P. Maslanka, a partner with Dallas' Godwin Gruber, does more than just handle employment matters for Diaz's 30-employee asset management company. He also gives her information that helps her do her job better. "He is always sending me

things that are somewhat unrelated to the work he does for us but that matter a great deal to me, and how I personally and professionally do my job,” she says.

None of the items he sends are high-dollar, but each represents an investment of time that shows he keeps both her position and her company top-of-mind. “He’s always sending little golden nuggets,” says Diaz. They include information on CLE programs, articles about dealing with employees, and copies of the *Texas Employment Law Letter* (which he co-authors). He also alerts her when he is speaking or leading a seminar about issues of interest.

Diaz also appreciates that Maslanka is willing to be a sounding board for general concerns, rather than merely being available within the parameters of the lawyer-client, case-matter relationship. And when he bills, she appreciates that he knows the difference between time spent visiting and time spent working. “I am always happy to pay his bill; I feel like I get my money’s worth,” she asserts. “Everyone,” she adds, “should have a Mike Maslanka.”

***Michael Maslanka comments:***

*“Lawyers need to go back to when kibitzing with a client was seen as part of lawyering. When a client asks, ‘Can I run something by you?’ or ‘How does this idea strike you?’ it’s a chance to bond, not to see the velocity with which your hand can get to the billing meter.”*



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