



**LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET HH
INTRODUCTION TO LEGAL COUNSELING**

Worksheet HH is intended to facilitate a discussion about proper legal counseling techniques, and duties and responsibilities of advising clients.

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- Discuss the different roles a lawyer plays with clients in advising them. Discuss how to share with clients non-legal considerations for your informed decision-making while not delving into areas which are outside a lawyer's expertise. See Prof. Cond. Rule 2.1 and the attached book excerpt, from STANLEY S. CLAWAR, *YOU AND YOUR CLIENTS: A GUIDE TO CLIENT MANAGEMENT SKILLS FOR A MORE SUCCESSFUL PRACTICE* at 95 - 97 (2nd ed. 1996).
- Provide examples of the types of decisions in the mentor's practice in which he or she involves the client. Share tips on counseling the client for each of those decisions.
- Discuss the importance of being sensitive to emotional aspect of clients' cases but not becoming emotionally involved in their matters. Discuss what to do if you do become emotionally invested in a case.
- Discuss the ethical obligations a lawyer has in advising his or her clients. What does it mean to make sure clients are informed in their decision-making? What should you do if your client elects a course of action against your advice? See Prof. Cond. Rule 1.2.
- Discuss the basic elements and techniques for counseling a client, including the following:
 - Talking to the client about time. How long the case will take, what could delay it, what the opposition could do to prolong it, etc.
 - Considering cost. What types of expenses should be expected, how much the case could end up costing.
 - Discussing the upsides and downsides of the case.
 - Focusing the interview. How to outline what will happen during the meeting with the client and keep on track.
 - Being a good listener.
 - Advising fully on all relevant considerations or consequences to a course of action.
 - Following up.
 - Informing the client of privilege issues when the client wants a third party involved during meetings.



See Prof. Cond. Rule 1.4.

- Discuss how to inform clients of problems in their cases. Read and discuss the attached book excerpt from NOELLE C. NELSON, *CONNECTING WITH YOUR CLIENT* at 59 - 67 (1996).

RESOURCES

OHIO RULES OF PROFESSIONAL CONDUCT

I. CLIENT-LAWYER RELATIONSHIP

RULE 1.2: SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to divisions (c), (d), and (e) of this rule, a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer does not violate this rule by acceding to requests of opposing counsel that do not prejudice the rights of the client, being punctual in fulfilling all professional commitments, avoiding offensive tactics, and treating with courtesy and consideration all persons involved in the legal process. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision as to a plea to be entered, whether to waive a jury trial, and whether the client will testify.

(b) [RESERVED]

(c) A lawyer may limit the scope of a new or existing representation if the limitation is *reasonable* under the circumstances and communicated to the client, preferably in *writing*.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer *knows* is *illegal* or *fraudulent*. A lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client in making a good faith effort to determine the validity, scope, meaning, or application of the law.

(e) Unless otherwise required by law, a lawyer shall not present, participate in presenting, or threaten to present criminal charges or professional misconduct allegations solely to obtain an advantage in a civil matter.

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http://www.supremecourtofohio.gov/rules/profConduct/profConductRules.pdf#Rule1_2



RULE 1.4: COMMUNICATION

(a) A lawyer shall do all of the following:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) comply as soon as practicable with reasonable requests for information from the client;
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Ohio Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) A lawyer shall inform a client at the time of the client's engagement of the lawyer or at any time subsequent to the engagement if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer's professional liability insurance is terminated. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client.

- (1) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client.
- (2) A lawyer who is involved in the division of fees pursuant to Rule 1.5 (e) shall inform the client as required by division (c) of this rule before the client is asked to agree to the division of fees.
- (3) The notice required by division (c) of this rule shall not apply to either of the following:
 - (i) A lawyer who is employed by a governmental entity and renders services pursuant to that employment;
 - (ii) A lawyer who renders legal services to an entity that employs the lawyer as in-house counsel.

NOTICE TO CLIENT

Pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

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Attorney's Signature

CLIENT ACKNOWLEDGEMENT

I acknowledge receipt of the notice required by Rule 1.4 of the Ohio Rules of Professional Conduct that [insert attorney's name] does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

Client's Signature

Date

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http://www.supremecourtofohio.gov/rules/profConduct/profConductRules.pdf#Rule1_4

**II. COUNSELOR
RULE 2.1: ADVISOR**

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations, such as moral, economic, social, and political factors, that may be relevant to the client's situation

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http://www.supremecourtofohio.gov/rules/profConduct/profConductRules.pdf#Rule2_1

Are You Counselor or Therapist?

From *You and Your Clients: A Guide to Client Management Skills for a More Successful Practice*, 2nd Ed. 1996, by Staley S. Clawar

"This is the third time my son has been caught stealing. Would you kick him out?"

"Is there any way to stop my wife from cheating on me?"

"If I lose all my money on this case, I think I'll do myself in. What should I do?"

It happens all the time. In talking to you about the legal matter at hand, a client asks you questions that are entirely out of your technical province. It's easy to get caught trying to help, perhaps on a purely personal level, but it's much smarter not to. Your professional status too easily gets transferred to your personal advice, and suddenly you have played the role of social-psychological counselor, not legal counselor.

Why do clients place their lawyers in the role of therapist? And, more important, what can you do about it?

Don't Clients Know the Difference?

The answer is yes and no. Intellectually, most clients probably do know that certain questions are technically outside your domain. Emotionally, however, they still have a need for some input, and that need takes precedence. People generally do not limit their conversations with their lawyers, doctors, or accountants to their respective professional expertise.

Legal clients may feel a sense of rapport and trust, which makes a natural bridge for sharing emotional and social concerns. A client may begin talking about a child support issue, but end up discussing a problem about child rearing. It is also convenient. The client is already in the lawyer's office and doesn't have to visit another professional.

Sometimes it is an effort to save money. Clients know how expensive legal and mental health services are and can try to extract advice from one professional that is in the other's territory. Of course, this isn't very logical, in that they are also paying for your time.

The most common reason is confusion. The demarcations between the lawyer and the mental health professional are not always clear, and clients may not fully understand the limitations of each role.

Know the Signs

Listen carefully for questions that are more therapeutic than legal, such as those that involve emotions, social relationships, and personal life. Certain key phrases suggest a client is crossing over into this territory, such as "I'm feeling depressed," "I feel lost," and "I feel self-destructive."

Sometimes the boundaries of the domains are fuzzy. For example, if a client is having a business problem with a partner and seeing the partner daily, the communication between them could be damaging to the case. In this type of scenario the lawyer must tell the client about potentially damaging situations. Or if a client is being abused, you would want to explain that certain statements or actions might instigate more abuse. These are sticky situations; you must provide the information in a way that communicates that you are talking specifically about the case. Beyond these confines, the client should be urged to seek mental health counseling or other assistance.

Sometimes listening is all the client needs, and soon you can turn the discussion back to the legal issues. Other times you may have to point out the problem, as in the following example:

I'm going to listen to your concerns, but the questions you are asking are really therapeutic matters, outside my domain. I think we should focus on the legal issues.

Still other times you will want to suggest other possible professionals who can provide help. You will benefit from having a ready list of psychiatrists, psychologists, clinical sociologists, social workers, family counselors, sex therapists, and pastoral counselors. After giving a referral, be sure to get feedback from the client. Find out who was selected and how the client is progressing. This will allow you not only to keep current on your client's status, but also to adjust your referral list as necessary.

Confidentiality

If you and the mental health professional are going to work together, confidentiality issues must be discussed. Some clients do not want any contact between their therapist and their lawyer. If the therapist will not be used in any way for the legal process, interprofessional communication may be a moot point. But if you plan to use the client's therapist in the case, communication must be discussed and clarified. Be sure to get a written release from the client acknowledging that this communication can take place.

It is also wise to keep a log of all phone calls to the therapist both for the record and for billing purposes. Be sure to explain beforehand what the billing rules are.

Crisis Calls

A common problem for lawyers is how to handle crisis phone calls. Start by sorting out the caller's legal problems from the social-psychological concerns. If both are at play, say something like this:

I hear your distress, and I can help in the following ways . . . But for the other personal problems, I suggest you get in touch with your counselor.

This delineates the realm within which you will work, and it also suggests that additional help from a mental health professional may be in order.

If you are unsure where to draw the line, the general rule is: "When in doubt, don't talk it out." Talking too much, probing too far, or analyzing too much could unearth material that you cannot—and should not—handle.

Keeping Your Client Satisfied While You Deal with Troublesome Aspects of the Case

INTRODUCTION

EVERY CASE HAS ITS PROBLEMS—some can be anticipated, others cannot. In their eagerness to maintain their credibility and be effective problem solvers for their clients, lawyers frequently make the mistake of failing to inform clients of problems in an appropriate manner or in a timely fashion. Inevitably, you will find yourself with the double headache of trying to appease an unpleasantly surprised and irritated client and trying to resolve the original problem. In this chapter, we'll look at how to handle this situation in a way that will contribute to client satisfaction.

HOW TO INFORM CLIENTS OF PROBLEMS

Most clients need and want to be informed about the troublesome aspects of their case. Client satisfaction surveys show that clients complain that lawyers do not inform them about problems until the problems are so big they can no longer be ignored, and that lawyers are unrealistic, usually minimizing problems and overestimating their ability to deal with them quickly and easily.

As stated in chapter 4, clients dislike surprises, especially unpleasant ones. This holds true for small surprises, such as finding out at the last minute that a meeting was rescheduled, and for large surprises, such as suddenly realizing that the worst possible jury has just been impaneled for their trial. Even the most ordinary cases may bring about a surprise or two.

Reduce the risk of a surprise by informing your clients of the problems you foresee during the initial client interview, or as soon as you have had an opportunity to properly review the case.

You earn cooperation and trust by discussing problems with your client as soon as issues arise. Don't wait until a problem assumes such giant proportions that it threatens to ruin the case outcome. Clients may not like problems, but if they are informed of difficult issues as they develop, they have time to adjust and will most likely remain cooperative. Almost nothing makes clients angrier than when they think their case is proceeding well, only to find out without warning that something has gone wrong. Let's look at an example of just such a situation.

In the course of negotiating a particularly complex settlement agreement, a lawyer realized the other party was remaining firm on an issue that was not according to client preference. The lawyer decided that the issue would not make much difference in the overall scheme of things at the time of the final settlement agreement.

As negotiations proceeded, the lawyer told the client that negotiations were going well. The lawyer failed to mention that the other party would not budge on the point in question. When the client sat down for final negotiations, he was shocked to learn that not only was the other party remaining firm, but opposing counsel was making this particular point a condition of the agreement. The negotiations broke down, the client was extremely angry at the outcome, and the lawyer lost the client's trust. Had the lawyer simply kept the client informed, another approach could have possibly been attempted, or, at the very least, the lawyer could have kept the client's confidence.

Be realistic about the nature of a problem and your ability to resolve it. Don't lead the client to believe that a problem is insignificant when it is actually very important to the case. Let's take a look at what can happen to a lawyer who underestimates the gravity of a problem.

Plaintiff's lawyer was having trouble finding an expert witness who could testify in a complex engineering design defect case. The lawyer finally found someone he deemed to be an appropriate witness. During direct examination, the expert loudly proclaimed that the defendant was grossly incompetent by failing to take certain design specifications into account before constructing a building. During cross-examination, however, the same expert admitted that *she* never checked those specifications when working on similar construction jobs.

Although the plaintiff's lawyer was inwardly groaning at the damage the expert had caused, he told the client the damage could easily be undone. That wasn't true, of course, and the plaintiff lost. In post-trial debriefings, jurors said the plaintiff lost because of the expert's testimony. Naturally, the client was irate.

In this example, plaintiff's lawyer erred on two counts. First, the lawyer should have let the client know *at the outset* that he was having difficulty finding an appropriate expert. The client, who was highly qualified in the field, might have been able to offer suggestions.

Second, once the expert testified the lawyer should have told the client that there was considerable damage done to the case. The lawyer

should have been more realistic in the assessment of how the testimony was going to affect the outcome.

When a lawyer says a problem is insignificant, the client assumes the issue will be resolved promptly and will have only a minor impact on the case. By not resolving the problem quickly or not being truthful as to its importance, the lawyer damages client trust. The client may think legal counsel is either dishonest or incompetent. On the other hand, remember not to make mountains out of molehills. If a problem really is minor, let the client know of its existence and then handle it quickly. Let's look at an example of appropriate handling of a troublesome matter.

Defense counsel represented a corporate client in a sexual harassment case. Three individuals were named as defendants. Two of the defendants were very reputable and credible while the third was lacking in credibility. Although very bright, the third defendant was considered to be somewhat strange, even by his peers.

After a relatively short time, the defense lawyers decided that the disparity among the three defendants was a problem and they informed the corporation. The corporate client was willing to cooperate to find a workable plan. After a series of meetings, the lawyers and client decided to seek separate counsel for the third individual and to do what was necessary to remove the third defendant from the original case.

In this example, because the members of the defense team were willing to keep the corporate client informed, they not only maintained cooperation through a difficult period in the case but their ideas were valued by the client, who appreciated being a part of the problem-solving process.

Lawyers may think they get extra credit for being superhuman, but, in fact, most clients would rather be informed and allowed to participate in the decisions that affect their case. Informed clients are most likely to develop a strong trust in their legal counsel, which is a cornerstone for a successful attorney-client relationship.

How to Present the Problem Without Losing Client Confidence

Lawyers are often hesitant to talk to clients about problems because they aren't sure of the best way to break bad news. This is very understandable; it is not easy to find ways to tell someone something they don't want to hear without upsetting them. It is, however, possible to phrase what you have to say in such a manner as to minimize how upset your client becomes.

Use Nonthreatening Language

Let's take the previous example of the case in which plaintiff's lawyer was having trouble finding an expert witness who could testify in a complex engineering design defect case. In the case cited, the lawyer did not advise the client of any difficulties, although the client, who was highly qualified in the field, might have been able to offer suggestions.

Here's how the lawyer could have approached the client so as to present the *problem* without losing the client's *confidence*:

Lawyer: *I have some concerns* about the expert testimony in this case.

Client: Oh? How's that?

Lawyer: Well, this is a particularly complex and unusual specialty, as you know. I'm having trouble finding an expert that *I feel is truly qualified* to testify appropriately on our behalf.

Client: Hmm. Well, let me give it some thought, maybe I can come up with something.

The key words here are *I have some concerns* and *that I feel is truly qualified*. Saying "I have some concerns," lets the client know you are taking the case seriously and want to provide the best expert testimony for the case. Avoid saying "I'm worried about," or "I'm afraid that," which could imply that there is a major problem, thereby putting your client on immediate defensive alert.

When speaking of the difficulty you're having finding a decent expert, avoid saying something like "I'm having trouble finding an expert," which could put your competence in question. Qualify your difficulty by adding "that I feel is truly qualified," thereby reinforcing the fact that you want the best for your client. The problem then becomes not that you can't find an expert, but that you are having trouble finding one *who will do the very best job possible* for your client.

By phrasing your concerns a certain way, you've let your client know that there are problems without putting your own expertise into question. You've also given yourself the opportunity to use your client's resources, which may be far greater in this area than your own.

Clients are not always as responsive to logic and reason as the client in the previous example. Let's take a look at a case in which the client responds adversely to your concerns, and how you can handle that situation to your advantage.

In this example, the lawyer is having difficulty finding a medical expert to testify on behalf of plaintiff. Plaintiff is a layperson, whose knowledge of medical experts is limited to the three doctors the plaintiff has consulted in this case.

Lawyer: *I have some concerns* about the expert testimony in this case.

Client: What do you mean, concerns?

Lawyer: Well, yours is a particularly complex case, and it's important that I get a really strong and well-qualified expert.

Client: OK, so what's the problem? You're the lawyer.

Lawyer: When we're dealing with this kind of highly specialized area, finding a truly qualified expert takes a good deal of time and research. We may not be able to go to trial as quickly as I'd originally anticipated.

Client: So what you're saying is it may take more time.

Lawyer: Yes.

Client: Oh. Well, I guess that's all right.

Notice that the lawyer did not let herself become affected by the client's somewhat sarcastic "OK, so what's the problem? You're the lawyer." The lawyer simply went on to make the necessary point.

Don't Respond Defensively

This is where lawyers generally have the most difficulty. You may think you have to respond to your client's jibes and attacking comments, but don't. Your client's jibes and attacking comments are frequently the only way they know how to deal with their fear and lack of control. Few of us feel entirely comfortable when our fates are in someone else's hands, and clients are no exception. In chapter 6 we'll talk about difficult clients, and you will learn how to deal directly with such comments. In this particular case, your client is simply responding reflexively to a possible threat. You can safely ignore that response and just stick with the information you need to transmit.

Keep Tempers Cool with a Neutral Tone

Keep the vocal emotional tone of your problem-related conversations neutral. Don't try to sound like what you're saying is totally off-the-cuff, but keep your voice cleared of unnecessary emotion. Make sure your tone is concerned and sincere. This will convey to your client that there is something serious that needs to be dealt with, but will not allow the client to sense your anxiety. Remember, you are the professional, and the client hired you to take care of these problems. You may express your personal worries and fears to your colleagues, but to your client, present a calm facade that does not reveal your emotional state.

KEEP YOUR PROMISES

Lawyers too frequently make the mistake of trying to create an excellent first impression by promising whatever they think the client wants in order to get the client's business. Then, once the lawyer gets the case, he or she ignores those promises and treats the client as a file number for the duration of the case. The client's expectations and hopes are unfulfilled. When this happens, the trust and cooperation you need in order to do your job are very difficult to achieve. Broken promises are a primary area of client dissatisfaction.

Keep your promises. Honor all agreements you made with the client as to what work is to be done, time frames for work to be completed, and so forth. Do not make agreements you do not fully intend to keep. Client trust is built steadily over time as you behave in ways consistent with your agreements. Facilitate keeping your promises by backing up agreements made with your client in writing. You can use follow-up letters, as discussed in chapter 6, to accomplish this.

Most lawyers, being ethical and professional, don't make it a habit to ignore agreements made with clients. More frequently, lawyers fully *intend* to fulfill the agreements they made but do not have the *maintenance systems* that allow them to fulfill those agreements. Unfortunately, clients don't distinguish between promises broken willfully and those that fall through the cracks as a result of lack of maintenance systems. The client feels cheated and you suffer the loss of client trust and cooperation.

Develop Good Maintenance Systems

Maintenance systems allow you to translate agreements made into practical reality. An effective maintenance system relies on three elements: timely scheduling, client updates, and clear communication.

Use Timely Scheduling

An excellent way to guarantee that you will do the work you promised is to have a master schedule on which is set out all the work you need to do for all of your various clients. This is different from the master calendar that keeps track of appearances, filings, and such, but certainly must be made to coordinate with the master calendar. Look at your master schedule and set a specific time to do the work for a particular client. Some work is much more difficult to schedule—trial dates, deposition dates, and so forth—but you can set dates that you can then change as necessary.

Use Client Updates

Client updates are essential. Clients are vociferous about their resentment at being kept uninformed. They heartily dislike not knowing what's going on.

Reinforce your position as a responsible professional by taking the initiative to inform your clients rather than waiting until they call and demand to know what the situation is.

Common sense and good manners are much easier to observe when you make them part of the routine of case management. Do so by using updates.

For the Record

Clients really get upset when the only communication with a law firm regarding ongoing matters is the monthly bill. Nothing gets clients angrier than getting the silent treatment from their lawyer, followed by an unexpected large legal bill at the end of the month. More and more firms are encouraging lawyers to write brief letters advising clients of the status of their case, either after a significant stage has been completed or monthly, which is what happens particularly in cases of litigation. This is in addition to ongoing verbal communication between client and lawyer. Clients have been very enthusiastic and approving of such efforts. Clearly, this kind of highly responsive lawyer-initiated communication greatly enhances the client's positive perception of the lawyer.

—Marda G. Lamm, Ph.D., Mediation Psychologist, Executive Director, West Valley Psychological Clinic

For the Record

The recipe for disaster is not keeping a constant communication with the client. Whether it's good news or bad news, they want to hear it. If it's no news, they want to hear it.
—Christopher P. Blsgaard, Managing Partner, Lewis D. Amato, Brilsols & Blsgaard

Updates can be as simple or as complex as you like. Clients are generally quite satisfied with the simple version, which consists of a brief written memorandum that updates your client on the status of their case. As brief as an update may be, it must be in writing. As explained previously, oral communication can be too easily misunderstood or misinterpreted.

There are three types of updates that are very useful: routine updates, updates that announce a new development, and updates that inform the client of an important change.

1. Routine Updates. Send your client a regular update, on a bimonthly or monthly basis depending on the case, to keep your client up-to-date on what is going on. This should include notations regarding new items, for example, "Trial date: trial continued to January 8," and old items such as, "Date of deposition: no change."

Lawyers too often feel that clients only want to hear new items. Not so. Your client wants *all* the news. Sending your clients routine updates increases their sense of security, and their sense that you are taking care of business as agreed upon.

2. Updates That Announce a New Development. Let your clients know of a new development that is sufficiently important to be brought to their attention in between the routine updates. Clients do not like to be told at the last minute of an important development in their case, or to find out about it by overhearing a conversation with someone else. Letting them be the first to know of such developments lets them know of their value to you, which automatically increases your value to your clients.

This is an extremely valid and often overlooked part of keeping your client updates—the educative function of client communication. You increase client satisfaction not only by keeping your clients regularly informed, but also by letting them know how what you are doing benefits them and their case.

For the Record

It doesn't do any good to litigate a case for a year and not keep the client advised as to what you're doing and send them a big bill and say, "See, we did a great job." The client wants to know what efforts you made to terminate this litigation short of two years of daily depositions which cost them \$2,000,000. If the client doesn't understand what your efforts are doing for them, then they are not going to appreciate them, so it's really an education process as well as a communication process.

—Michael L. Kelly, Managing Partner, Kirtland & Packard

3. Updates That Announce a Change. Use an update to keep your client informed any time something happens that leads you to make a change in the agreed-upon strategy. It is disconcerting for a client to expect you to be going about their case one way, only to find out either accidentally or at the last minute that you've changed course. Keeping the client informed as you go along, giving them reasons for whatever changes you make, reassures clients that you are on track with their case, adjusting consciously and deliberately to different circumstances, and not just responding at the last minute to a crisis.

Keep your update simple. Let your client know what has come up to make you change course, and briefly explain why you've adopted the new strategy or approach.

You can also use an update to inform clients of a change of staffing. If your client has been working with, for example, lawyer A in completing interrogatories, and one day without notice is told by the receptionist that lawyer B is now handling those interrogatories, the client is not going to be very happy. The client may feel passed off to whomever happened to be available, instead of feeling that the assistants and colleagues assigned to work on the case are in fact those best suited to the task. Inform your client of a change in staffing, and justify it in one brief sentence so that the client is reassured that the change is to their advantage.

Fulfill Communication Agreements

Be reliable. Follow through on communication agreements. Once you have established clear guidelines for communication with your client as recommended in chapter 2, maintaining the communication as agreed upon will greatly enhance client satisfaction. If you say you will return calls promptly, and then proceed to do so, client satisfaction grows. If you say that your assistant or secretary is qualified to handle calls and answer requests, their so doing increases your client's satisfaction.

Document Everything

The memo system makes documenting very easy, as long as your filing system is adequate. Telephone calls must be documented, albeit

For the Record

You need to keep a client apprised so that there are no surprises. No matter what you're working on, you're anticipating the developments and you tell the client what's going to happen. These are the possibilities, these are the choices you have to make and these are the decisions you have to make. You need to give them advance warning. Give them the pros and cons. That's the first level of communication.

—Richard D. Hybel, former Managing Partner, Los Angeles office of Morrison & Foerster

briefly, making note of what you said and what your client said. In addition to facilitating memory and helping to prevent misunderstandings, documenting impresses the client with the seriousness with which you take his or her case.

USE SUPPORT STAFF TO KEEP CLIENT SATISFACTION HIGH

Your support staff can contribute significantly to maintaining client cooperation while dealing with troublesome aspects of the case. If your support staff is sensitive to the need for client satisfaction, they will provide a backdrop of excellent client service that will facilitate your client's trust and cooperation during the rough times.

Support staff must maintain the client-centered caring attitude you have so carefully established. Each interaction that your client has with a member of your staff matters.

Educate and Motivate Support Staff

Do not expect support staff to automatically know how to treat clients in a manner that fosters trust and cooperation. Support staff must be educated and motivated to maintain and enhance client satisfaction. Explain your objectives for the whole of your practice, as well as your objectives in terms of client service, and let staff know exactly how they fit in to those objectives. Letting your support staff know just how important they are to the overall success of your practice is a terrific motivator. Too many lawyers want to hog the success all to themselves. This approach will hardly endear you to your staff, much less encourage them to "go the extra mile," an attitude that is important to achieving client satisfaction.

Bonuses and other incentives are useful as well. Designating an "Employee of the Month," for example, may seem hokey to you, but genuine and sincere public appreciation is always welcome. The more you let staff know how valuable they are, the more likely they are to value you and your clients in return.

For the Record

If you really know what you're trying to accomplish and everybody up and down the entire line is familiar with that, you'll get good client service. You empower everybody up and down the chain of service to do everything that they can to improve service to clients.

—D. Ann M. Lee, Director of Client Services, Nossaman, Guthrie, Knox & Elliott