

Establishing and Maintaining Good Client Relations

There are a few basic, but critical, important things a lawyer can or should do in order to establish and maintain good client relations.

The Initial Interview

It begins at the initial interview. Be and start on time. Hold phone calls, and do not allow interruptions. The prospective client is likely anxious, frightened, or angry and is looking to you for help.

He/she needs to know that you are there for them and their case is, at least during the initial interview, the only case that is important.

When asking about a client's marriage, some clients want, and need to, "tell their story." Other clients want to "cut to the chase." It is important to listen carefully and determine the type of client you have sitting across from you. If you interrupt or cut off the client who wants to tell their story, it may impair your ability to create a connection with that client.

When the initial interview takes place, some clients have already made up their mind about ending their marriage, but others are not yet sure. It is extremely important to find out where the person sitting across from you is at emotionally and/or psychologically as it relates to the ending of their marriage. Their position may fluctuate over time.

Ask - "What Keeps You Up At Night?"

I usually ask at an initial meeting with a client what keeps he or she up at night or what is important to the client. If you do not ask, you probably will not be able to develop a good strategy for his or her case.

It is important at the beginning to distinguish between doing the job right versus doing the right job.

Doing The Right Job

This could mean trying to facilitate reconciliation, or recommending a good marriage counselor for the client that does not want the marriage to end. If your prospective client whom is sitting across from you is in this position, well-crafted discovery requests will not be appreciated and may even be resented even if is "normal" in many cases. It is important to remember there really are no "typical cases." While that may sound trite – it is true. Treating a client as typical is a mistake, and sooner or later the client can sense that attitude.



Burton S. Hochberg

Senior Partner
bhochberg@sdflaw.com

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want certainty, giving certainty in many situations is difficult, if not impossible. Explaining this to clients usually solves that concern. Where appropriate, memorialize important decisions by e-mail or letter.

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Donald C. Schiller Ranked in Top 10 Lawyers in Illinois



Donald C. Schiller was named on of the Top 10 Lawyers in Illinois considering all areas of law by Leading Lawyers' state wide survey.

Guiding Clients Through the Divorce Process

Most new clients are embarking on an experience in their life which is very unfamiliar to them. Regardless of whether they are initiating the process or on the receiving end, this is a difficult time in their life and they are looking for their divorce lawyer to guide them through this life altering experience.

In developing a good working relationship with your client, it is important at the start to communicate with clients effectively about their expectations for reaching you. A positive working atmosphere is best developed if you set certain basic ground rules, which may include the following:

- What is the best way to reach you?
- What is a reasonable timeframe within which he or she can expect to hear back from you?
- If you are not available, who will they hear back from? Your assistant? Another lawyer?
- Distinguishing between what constitutes “urgent” to the client and what constitutes “urgent” to you.

Not only do new clients usually have no idea what to expect from the divorce process, they have difficulty imagining where they may end up afterwards. From the very beginning of the case, you should help explain the process and work with the client to set realistic goals. While the vast majority of people going through a divorce end up in a better position than they predicted when the process started, they usually are in no position at the start of a case to see the light at the end of the tunnel. Accordingly, educating a new client on certain basic premises will often go a long way. General areas that you may want to address include the following:

CUSTODY: Many new clients fear that they will not see their children unless they have sole custody. When working with a client who has children at the beginning of the case, you should educate them that the main difference between joint and sole custody is decision making on issues such as health, education and religion and that the custody label does not necessarily affect the amount of parenting time.

Many divorcing couples are able to agree on decisions regarding these issues. In those cases, the real issue becomes how much time a parent spends with a child. Options for addressing this issue may include having

directly to work out a agreeable

having working party (ie: child help them agreement client and working party and reach an



Andrea K. Muchin
Partner
amuchin@sdfllaw.com

course, if issues such as substance abuse or serious mental health concerns are involved, or parents truly do not agree on decisions concerning their children’s health, education and/or religion, expert involvement is usually warranted and an attorney may be appointed to represent the children. Moreover, if it appears that one parent is trying to gain more time with the children simply to avoid paying support, it is a red flag. Each situation is unique. Regardless, helping your client stay focused on the best interest of their children usually goes a long way in helping them navigate through these difficult issues.

PROPERTY: Should one party receive more property than the other, or is an equal division of property appropriate? These are the types of questions you want to address with your client from the very beginning of his or her case. If there is real estate, a business, or other assets such as a pension that need to be valued, time and care in selecting an expert and working with that professional will likely prove very beneficial to your client in the long run. If your client is claiming that they have non-marital property, explain to them that they carry the entire burden of proof and must start to gather the documents

necessary to trace the transaction by clear and convincing evidence. If one party believes that the other party has spent their money on a purpose unrelated to the marriage, explain to them that they need to have specific documentation to support the claim. Helping your client both understand and evaluate the property issues in their case will go a long way.

SUPPORT: Is your client a candidate to receive maintenance and/or child support? Or are they the spouse that will need to pay either or both? What is realistic to expect in terms of duration and amount?

Although there are now statutes and formulas in place for assisting in making this determination, the guidelines do not always apply to high income earning clients.

Regardless, knowing specifically what it costs your client to maintain their lifestyle is the starting point for a careful analysis of this issue. Many new clients have not kept a budget and are unfamiliar with what it costs them to live. Sometimes as early as the first meeting, you should ask a new client to start working on their budget. Additional questions which may arise that you should discuss with your client may include, especially if your client is the support recipient, what is his/her obligation to look for employment and what effect will this have on their support. If your client is the payor, discuss with them not only how much, but how long they should expect to pay support.

Each new client presents an array of issues. What new clients all have in common, however, is the need for their lawyer to provide guidance and advice as they navigate the unfamiliar divorce process.

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Divorce Is A Process

Explain the process of divorce. Explain that there are steps and a chronology from the start to the end of a case and the timetable in each case varies. It is important to explain what can cause the process to speed up or slow down. It is a mistake to promise a particular timetable as too many factors outside of the lawyers control affect how quickly or slowly a case can be concluded.

Request For Personal Phone Number

It is a difficult question when a client asks for your home or personal phone number. If you give it to your client, you should expect the client to call you. Giving it with instructions to only call when it is an emergency sometimes works but usually does not.

Sharing Court Papers

When a court order is entered, send it to the client promptly and invite a conversation if needed. What is obvious to the lawyer is often foreign to the client. For instance terms such as “instantner” or “without prejudice” often need some explanation or context.

Socializing With Clients

I suggest socializing with clients be discouraged during their case. While in a professional relationship it is important to the case and your client that you are working as a professional and all times and you expect to be paid as such. Some clients will want to talk to you over dinner and drinks, however the client may view your time as paid for when the client pays for the dinner. Invariably, the client will want to talk about his or her case during your socializing and your hourly charge will not be paid. Try to limit meetings to business hours and business locations. To do otherwise may create an unintended and false impression that you view the client’s case in a casual nature.

Problems

When a client problem arises, don’t ignore it. It will not go away nor will it get better on its own. Ignoring it sends the message that you do not care about the client or his/her case. Address the problem with constructive suggestions and not finger pointing or blame shifting. Most clients do not expect perfection but rather expect

serious preparation for court hearings, meetings and depositions. You may be surprised that a well-argued motion that is unsuccessful is still appreciated by the client. If the passion and preparation is obvious, the client will see it.

What if you do all of the foregoing and still have difficulty with a particular client relationship? Unfortunately, there will be some clients that no matter what you do and how responsive, prepared, and creative you have been, will still be unhappy. It goes with the territory. I have represented some clients who despite wins in court, still complain. Some of this is normal, some of it is not. If the client’s dissatisfaction continues despite your best efforts, perhaps that is a client relationship that should be terminated. Sometimes the best case can be the one from which the lawyer withdraws from.

If all fails - Get out.

Making the Most of an Initial Consultation

In a family law case, one of the most important meetings between a lawyer and client is the first one—the initial consultation. Making the most of this meeting can provide the foundation for a long-term effective attorney-client relationship. The meeting provides both the attorney and the client with critical information allowing both sides to assess whether the case is good fit for both. It gives the lawyer an opportunity to assess the facts of the case and begin to formulate a strategy for any immediate steps that may need to be taken. It also allows the client to gain an understanding of the overall process, the different phases of the case, and to obtain answers to critical questions.

Walking into any divorce attorney's office for the first time to discuss something very personal—your family situation—can be daunting and even frightening. The best consultations, however, are simply open conversations between the lawyer and the client where both sides exchange information.

The Lawyer's Role

The lawyer's role is to listen to the client, ask questions to keep the conversation focused on the relevant facts, and to convey the law as it applies to the client's set of facts. This may include giving the client realistic timeframes and projections of results, a roadmap of the various stages of the case, or initial and tentative approaches and strategy. There could also be a discussion of the use of experts and other professionals as well as the various alternative dispute resolution options including mediation. It is important to understand that unlike most other types of legal matters, family law cases are moving targets as the facts and circumstances change throughout the case. Therefore, a lawyer's advice may evolve from the initial consultation as the case develops and a change in litigation or negotiation strategies is warranted. It is always a good idea as your case progresses to check in with your lawyer and re-assess your case based on recent information and events.



Michelle A. Lawless

Partner
mlawless@sdfllaw.com

The Client's Role

The client should be truthful with the lawyer and give as much information as possible. It is important for the lawyer to hear not only the "good" facts but also the "bad" facts. Understanding the hurdles at the beginning of the case will allow the lawyer to impart the best advice. Withholding information that the client may believe will be unfavorable is usually never a good strategy. The earlier the lawyer can get a handle on the more challenging aspects of a case, the more time the lawyer and the client have to work together to develop the best strategy.

What to Bring to The Consultation

Bringing documents to the consultation can assist the lawyer to give more complete advice. Common documents that are helpful to bring are:

- The Petition and any accompanying paperwork if the client has been formally served;
- Judgment, Settlement Agreement, Custody Judgment or other underlying order if the case involves a post-judgment issue such as a modification of support or change of custody;
- Prenuptial or Postnuptial Agreements;

- Photographs and police reports if the case involves incidents of domestic violence;
- Interim orders and pleadings if the case is already pending;

It may also be helpful for the client to write down questions ahead of time to ensure that he or she does not forget to ask anything before the end of the meeting.

Setting Up Communication Methods

The lawyer and client may also want to talk about the best way to communicate with each other going forward. For example, where should mail be sent - to the client's home or another address? If the preferred method of communication is email, is the client sure that his or her email account is private and not easily accessible by his or her spouse? This is important to ensure privacy and confidentiality of attorney-client communications.

What is the best telephone number on which to reach the client?

Engaging the Attorney's Services

At the end of the consultation, if there is a possibility that the client and the lawyer want to move forward with executing an engagement agreement, the client may be asked to begin doing some "homework." This may include gathering financial records, tax returns, corporate records if a business is involved, or putting together a timeline of past events. It is also important for the lawyer and the client to discuss the lawyer's retainer; the firm's billing practices and hourly rates; the engagement agreement; the timing of billing statements; and the use of associates, paralegals, and law clerks. These items are generally spelled out in the lawyer's engagement agreement which the lawyer and client may discuss at the end of the meeting.

Schiller DuCanto & Fleck LLP Welcome New Associate



Schiller DuCanto & Fleck LLP welcomes Jacqueline Stephens Breisch as an associate. Prior to joining Schiller DuCanto & Fleck, Jacqueline worked at a boutique family law firm where she handled cases involving child custody, maintenance, child support, and property division.

IN THE NEWS

Michele M. Jochner was recently re-appointed as the Chair of the Committee on Public Affairs for the Chicago Bar Association.

Brian Schroeder was interviewed by Chicago Lawyer Magazine for an article titled "Who do they belong to?" regarding his case, Szafranski vs. Dunston, and the use of frozen embryos.

Anita M. Ventrelli was inducted into the Chicago Daily Law Bulletin's 40 Under 40 Hall of Fame.

Kimberly A. Cook was a guest on the Matt McGill Show on WVON 1690 AM.

Schiller DuCanto & Fleck LLP has 25 attorneys listed in Super Lawyers 2015 and 41 listed in Leading Lawyers 2015.

Karen Pinkert-Lieb is speaking at The Lilac Tree's Divorce University on November 2nd at 8:15am.

Timothy M. Daw and **Karen Pinkert-Lieb** are publishing an update of their chapter on Client Management in the Family Law Handbook for the Illinois Institute of Continuing Legal Education.

Jason N. Sposeep is presenting to Stout Risius Ross together with counsel from Washington DC (Mary Pence and Shirley Steinbach of Feldesman Tucker Leifer Fidell LLP) on "What does a divorce lawyer want from a forensic accountant" on October 21, 2014.

Michelle A. Lawless spoke at the Illinois Family Support Enforcement Association Annual Conference on October 20th on the issue of Modification of Child Support and Maintenance



Congratulations Amy and Teresa!

Congratulations to our law clerks, Amy Schiller and Teresa Campton, on passing the bar exam!

The materials contained in this Newsletter are intended for general informational purposes only and not to be construed as legal advice or opinion.

Timothy M. Daw, Co-Editor / Brittany A. Heitz, Co-Editor / Justine E. Long, Layout/Design

**SCHILLER
DUCANTO
& FLECK** LLP

CHICAGO
LAKE FOREST
WHEATON

sdflaw.com

200 North LaSalle Street
30th Floor
Chicago, IL 60601-1089

(312) 641-5560 Phone
(312) 641-6361 Fax

225 East Deerpath Road
Suite 270
Lake Forest, IL 60045-1973

(847) 615-8300 Phone
(847) 615-8284 Fax

310 South County Farm Road
Suite 300
Wheaton, IL 60187-2477

(630) 665-5800 Phone
(630) 665-6082 Fax