

HANDLING A CLIENT*

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1. Understand the client's expectations and be prepared to shape them.

Clients often have unrealistic expectations about how the legal system works and what lawyers are able to do. Part of the lawyer's job, particularly in the first few meetings or discussions with the client is to determine what those expectations are. Then be ready to discuss what can be accomplished. That includes what cannot be done, what may not happen, what is prohibited, and how things can be accomplished.

You must assess the case objectively. Do not let yourself look at the case through your client's emotion-filled eyes. Clients never forget the good things you may say at the beginning. If you have over-promised to get the case you will be a loser when it is over. Interestingly, in surveys clients rank a lawyer's really caring about their case more than winning.

Talk about how long things will take. Unless it is discussed, a client may assume a task the lawyer is to do will take a day or two while the lawyer looks at it as a project to be completed in a month. Clarifying how long it will take to prepare documents, agreements, complaints, and the like will avoid disappointments and anger from the client and frequent unnecessary telephone calls asking when the work will be complete.

Clarify the client's expectations concerning attorneys' fees and costs. Clients generally under-estimate all the things an attorney must do to properly represent a client. In matrimonial law, concepts lawyers understand and take for granted may be difficult for clients to understand with regard to responsibility for fees. The attorney must fully and frankly discuss the intricacies

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of billing, interim fees, contribution for fees, effect on marital property and the like. A client's good understanding of this process is important to a lawyer's dealing with the client and having them appreciate the cost to benefit ratios they must understand in this emotion-filled practice.

Remember expectations change over time. Stay tuned in to the client so that you do not pursue wild goose chases seeking things that are no longer important to the client.

2. Consider How And When You Will Communicate With The Client.

Failure to communicate is the single biggest complaint received by the Attorneys Registration and Disciplinary Commission. Return telephone calls promptly. If you cannot, ask your secretary or another lawyer in the office to call the client to let them know that you are unable to return the call but you will do so at a specified time. If you know you will be unavailable for an extended period, say so in your voice mail greeting or have your secretary so inform the calling client. At the beginning of the engagement let the client know the best and worse times during the day to reach you. When the attorney is getting too many calls from a client the attorney should consider are those calls due to the attorney being late in getting something done and the client is merely checking on when it will be completed? Does the client know the attorney is billing for telephone calls? If not, do so.

The Internet has brought great advances to lawyers, both in terms of rapid access to information and rapid communications. E-mail has spoiled everyone with the ease of sending a thoughtful message and the instant ability to reply. E-mails have raised clients' expectations with regard to attorney/client communications. Clients must be made to understand that the attorney cannot instantly respond to e-mail inquiries. Lawyers are trained to give thoughtful responses to questions from clients. Therefore, notwithstanding the technological capacity to

give an instant reply, the lawyer is not going to give a reply without doing appropriate homework in preparing the reply. Also, clients must be told to recognize the fact that the lawyer may not be able to even read the e-mail message the day it was sent. Appointments, court appearances, being on the telephone, reading letters, reading prior e-mails, drafting documents, all may get in the way of responding to the latest e-mail.

Keep the client advised in writing as to what is going on in their case. Automatically send to the client copies of court pleadings and orders, letters, documents generated by the attorney, memos as to meetings with opposing counsel, witnesses, administrators and the like. Memorialize and copy the client with any agreements or important conversations with the client. Clients like to receive mail – they are satisfied that work is being done on their case when they receive written evidence of the work.

Written communication is important when the lawyer has strategic differences with the client. When the client is not following the lawyer's advice, instructs the lawyer to seek remedies the lawyer believes to be unlikely to achieve; fails to provide the lawyer with documents or information the client is directed to produce; these things should be discussed and confirmed between the attorney and client. If things go bad at the end of the case without the benefit of those written communications to refresh the client's memory, the client will likely forget their role in what went wrong.

3. **Building Confidence/Appearance Matters.**

Whenever you meet a client (and especially at the initial meeting), remember that appearances matter. How you look (dress professionally), how your office looks (a messy desk does not impress a client), and how the office as a whole looks will all influence the client's opinion of the attorney. The way the attorney treats others in the office – the secretary,

paralegal, receptionist, also makes an impression. Show the client he is important by being prepared and on time. Do not take telephone calls during the meeting. If the attorney wants the client to trust them, the attorney needs to present himself as someone who deserves that trust.

Take control of the meeting with the client and keep the client focused. Master the facts of the case so you are not required to ask simple, basic questions many months after your involvement in the case.

Look at the documents you are preparing. The language or documents within the document may be brilliant but if it looks like a mess the client will think it is a mess. The kind of document you produce generally speaks volumes about you to the client, counsel and the court. Beware of using forms from one case to the next. If you do, make sure every name is changed, numbers of children, if any, changed, addresses changed, lawyers names changed, or any other indicia that would give the appearance that you just borrowed someone else's form for the client's case. Also be sure that the law has not changed from the time you used the previous form.

4. Pay Attention To How You Treat Opposing Counsel.

This is a double-edged sword. It is important to always treat opposing counsel with respect. Just because your clients do not get along is no reason why their attorneys should not. If you treat opposing counsel with respect, the entire process will be more pleasant. Additionally, if you need assistance down the road, such as a continuance, additional time to file a court document or other favors, your courtesy and respect will pay off. Remember, however, that your client does not want to see that the attorneys are close friends. Clients generally perceive such friendliness as detrimental to their claim. You need to explain to the client the advantages of cordiality. Remember also that it will not help to speak poorly of opposing

counsel to the client since the credibility of opposing counsel may be important down the road if a settlement negotiation takes place. Also, demeaning opposing counsel will make you sound insecure, and if the opposing counsel is a bad lawyer, the client will not consider that you have done very much when you get the client a good result.

5. Make The Client Part Of The Legal/Litigation Team.

Get the client involved and invested in the work of the case. The more they are invested in the process the better they will understand the reasons for the advice you will be giving them. Give clients jobs to do such as writing histories related to problems in the case, have them locate and produce documents and evidence, have them work on organizing their historic expenses and perhaps have them do a Quicken program for you. Engaging the client in the process of preparation will give the client a greater appreciation of what you are doing and what is going on in their case. Also, when a client declines to get involved in a project requested of them, they at least know that it must be done and that they will be charged by having it done by the lawyer, members of the lawyer's staff, or another professional.

6. Conclusion.

Handling a client is all about gaining their trust and confidence. Trust and confidence are things you must earn during the progress of the engagement. If a client has confidence and trust in his/her lawyer they will not be difficult for the lawyer to manage. The foregoing may help you earn that trust and confidence and enhance the likelihood that the client will follow your advice as well as pay your bill.