

Five Steps to Improving Client Relations and Reducing Legal Malpractice Claims

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As we discussed in the last column, clients frequently sue their lawyers because they dislike how they were treated (or ignored) by their lawyer, not because they were unhappy with the legal work. You can ward off these claims by honing your client relation skills.

Stop talking and start listening. Survey after survey confirms that clients want lawyers who “care.” Caring for a client is inexorably tied to the ability to listen well. Alas, lawyers tend to be dynamic talkers but lousy listeners.

How can lawyers become expert listeners? First of all, take off your legal hat at the initial meeting with the client and allow her to tell her story from start to finish without interruption. If you’re too busy focusing on the legal aspects of the client’s story and asking technical questions you’ll miss the subtle, personal issues that are important to the client. You don’t have a chance of satisfying the client if you can’t identify his or her endgame. Is the client more concerned about an expedited conclusion than a fair and just resolution? Does he want to avoid publicity at all costs? Does he have an all-or-nothing approach to the matter?

Second, end each conversation with the client by soliciting questions: “Is there anything else you would like to ask me or have explained in greater detail?” This simple practice lets the client know that she is not just a number and that you’re willing to spend whatever time it takes to give her a sense of comfort.

Nothing says you care like paper. Jay Foonberg, a noted expert on attorney/client relations, recommends that lawyers consider “cc” an acronym for “client copy.” I agree. Sending the client



How not to get on your client's bad side — and the wrong side of a malpractice suit.

a copy of all correspondence and material relating to her matter is one of the easiest, least expensive and most efficient ways of keeping her informed and staying in touch. If you’re worried that each mailing will generate a call from the client, attach a cover note that reads “For your information only. No response required.”

Get phone smart. Proper telephone skills are key to successful client relations. Every telephone call should be returned by the end of the day, if not sooner. Whether you send the client an e-mail response, leave a voice-mail message, or have your secretary return the call, the client should not have to wait for a response — even if you’re merely informing the client that you’ll be tied up the next few days with a trial or a closing.

When it comes to telephone calls, demanding clients are like crying babies. The more they are ignored, the

louder they cry. Ironically, lawyers tend to take the wrong approach with needy clients. They ignore the client who calls frequently, praying that he’ll miraculously disappear or give up. He won’t.

Here are some tips on reducing your backlog of unreturned telephone calls. To begin with, if you don’t have voicemail, get it. When used correctly, voicemail can be a powerful communications tool for both client and attorney. First, it allows clients

to leave detailed messages. That allows you to research the matter and have an answer when you return the call. The dreaded and time-consuming game of telephone tag soon disappears.

Second, voicemail allows you to customize messages so clients know where you are and when you will be able to return the call. Most salespeople I deal with in the dog-eat-dog business world change their voicemail messages every day so customers can always reach them. Lawyers can adopt this marketing tool to increase client satisfaction. Customizing your voicemail on a daily basis takes less than 60 seconds but conveys a strong sense of responsiveness to the client: “Hi. This is Perry Mason. It’s Monday, August 16. I will be in court all morning but will be back in the office this afternoon. Please leave a message and I will return your call later today. If you need immediate assistance, please press ‘0’ and ask for my secretary Della Reese.”

Voicemail also works well if you will be out of the office for an extended period: “Hi. This is Perry Mason. I’ll be out of the office the week of August 16 taking depositions but will be calling in for messages every day. If you need immediate assistance....” The last thing

you want your client to do is sit in her office and wonder anxiously day after day why you are not returning her call.

If you don't have voicemail, you can accomplish the same thing by having your secretary pick up your line: "Mr. Mason is at a closing this morning but will be back around 2:00 p.m. Is there something I can help you with or would you like to leave Mr. Mason a message?"

E-mail is another method of responding to client telephone calls. And unlike voicemail, e-mail gives you the option of attaching draft documents and other materials. A few words of caution on e-mail, however. First, verify that the client is comfortable with communicating by e-mail. Second, check your e-mail as often as you would voicemail. Finally, if you don't have the ability to check your e-mail while away from the office, consider alternative arrangements such as providing your secretary with access to your messages.

Interruptions send the wrong message. Do you routinely interrupt meetings or telephone calls with one client

to take a call from another client or counsel? While you may think this represents the height of customer service, it may create the opposite impression. I know that such interruptions infuriate me.

Put yourself in the shoes of the client on the other end of the interruption. She undoubtedly feels that you value another client's matter more than hers. The solution is to train your staff to distinguish the calls that are true emergencies from those that can wait another 30 minutes. Clients will understand the occasional interruption, but don't let it become routine.

Don't sugarcoat it. A cornerstone of every strong relationship is candor. This includes relationships between attorneys and their clients. Yet attorneys are often reluctant to tell clients the weaknesses in their legal positions.

Let's look at a few techniques for conveying the full picture to your clients, warts and all. Lawyer Tess Trueheart specializes in representing individuals with medical malpractice claims. Most of her clients are burdened with significant health prob-

lems. Nonetheless, Tess informs every new client during the initial consultation that, statistically speaking, the client has less than a 50/50 chance of prevailing. While this may seem harsh, her clients are better prepared for an adverse judgment (and less likely to blame Tess).

Similarly, Attorney Sam Spade is often embroiled in bitter domestic disputes. To set the record straight, Sam tells new clients that regardless of the other benefits of divorce, they will undoubtedly be worse off financially after the divorce than before it. As a result, Spade's clients are better prepared for the financial strains of divorce (and the legal bill that follows).

Just do it. Successful lawyers don't just sit around and read columns on how to improve their client-relations skills. Challenge yourself to change bad client-relations habits and improve on the skills you already possess. And never forget that client service means much more than the final legal product.