



ALPS

Practice Management Pointers

Manage Client Relationships in Addition to Client Matters

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Most attorneys are more than able to effectively manage their client's legal matters. Files are appropriately documented, substantive work progresses as expected, and resolution is reached in a timely manner. Unfortunately, competent lawyers who do good work and get fine outcomes can still find themselves facing a malpractice claim. Even worse, when they do, a few of those claims will eventually be resolved with a loss payout. Keeping this in mind, I find it curious that in my fifteen years in the malpractice insurance industry, I have never heard of a single malpractice claim that arose out of work for a satisfied client. I can also share that I have personally spoken with a lawyer who did blow a statute of limitations date on a significant matter. After informing his clients of this misstep, they responded by stating they would never dream of filing a malpractice claim against the firm and they never did. The interesting part of this story is that those clients continued to bring additional work to the firm after the misstep.

Why do good lawyers who get good results still get sued? And why would someone not sue their lawyer after a critical deadline was blown? My personal belief is the difference in outcomes has to do with the professional relationships that exist between attorneys and their clients. If a lawyer poorly manages the client relationship, the end result of obtaining a good outcome may still not be satisfactory to the client due to how the client felt he was treated throughout the course of representation. On the other hand, a lawyer who excels at managing the client relationship but makes an unfortunate legal misstep can find that she has been forgiven. Well managed client relationships can, in rare instances, work wonders and it's all about effective communication.

Mistakes such as failure to obtain client consent, failure to keep the client informed, failure to provide sufficient information to allow the client to meaningfully participate in the decision making process, and failure to follow the client's instructions are all too common. Many client relationship errors can be avoided by adopting a simple, commonsense approach to working and communicating with clients. Allow me to share a few ideas in that regard.

- Clearly explain to each and every new client the fee arrangement, billing procedures, and the client's obligations. This should be done both orally and in writing in order to provide an

opportunity for your new client to voice any questions or concerns that he might have. As you explain the fee arrangement, ensure that the client has a thorough understanding of what the total cost of representation might be. To draw a parallel, no one in their right mind would ever agree to purchase a new car after only being told what the monthly payment was going to be. Everyone wants to know what the total price is and how long those payments are going to last. Clients want the same kind of information from their lawyer but they don't always say so. When they don't, they may run with an assumption about what the total bill will end up being. What if their assumption is way off? If or when that happens, you've got a problem.

- With all new matters, including those of repeat clients, document the scope of representation. This documentation does not need to be in the form of a formal contract every time. A letter of clarification or confirming email may suffice. The goal is to establish realistic client expectations and, more importantly, make certain that the client has a thorough understanding of what you are going to do and what you are not going to do. The reason it is critical for you to provide clear and documented explanations about the services you will perform is that memories are short, including your own. Always explain legal terms and procedures in plain language so the client understands what to expect. Finally, don't overlook the importance of establishing a clear timetable as to how the matter will move to completion.
- Listen to your clients. They have hired you and you are handling their legal matters. Clients don't always wish to pursue litigation or cut the best deal. Sometimes actually getting divorced isn't what should happen. Take time at the beginning of the attorney-client relationship to clearly identify the client's goals or objectives. Learn what the true problem is. Ask questions. Consider and propose alternative directions or solutions. Let clients participate in the decision making process and feel some control in resolving their legal issues. Again, you are in their employ. There is value in trying to determine how you can best serve their needs.
- Practice effective client communication skills. This does mean that you should promptly respond to all client inquiries including their calls, provide regular case status updates, timely report negative information, and are on time with client appointments. If you send the client copies of your correspondence or pleadings, tell the client about the meaning and purpose of what you have sent. Complete all tasks on a timely basis. If an unforeseen delay arises, provide an explanation to your client as soon as possible. Tell them the reason and provide a revised expected completion date. Be sure to bill your clients regularly and fully explain all charges. Ask for and be receptive to clients providing ongoing feedback on the quality of the representation they are receiving.
- Be personable. Pleasant conversation or a little levity when appropriate can demonstrate that you are invested in the client as a person. Clients will feel that you view them as more than just a money source. For business clients, learn as much as you can about the client's business or industry. The more a client gets to know you and you them, the easier it will be for that client to place confidence and trust in you and your legal advice.
- Use a closure letter at the end of representation to confirm that you have done all that you said you were going to do and, by virtue of its sending, also confirm that your clients understand that you have concluded working on their specific matter. This letter is also an opportunity for you to

remind your clients of any additional obligations they may have, thank them for their business, inform them of your file retention policy, and state that you remain available to assist with any future legal need.

- Teach your support staff about the importance of courtesy, timeliness, professionalism, and confidentiality when dealing with clients and make certain that you practice what you preach. Don't minimize the importance of treating your staff well. Remember, your staff is the interface between attorneys and clients. If staff members are depressed, overworked, feel taken for granted, or are dissatisfied generally you will have problems. The reality will be that negative messages, however unintended, will reach your clients.
- Finally, consider ways to let your clients know that they are important to you and then implement those ideas. For example, keep all public spaces, to include conference rooms, neat and free of client materials. Close doors so that no one will over hear your conversations with clients. Don't allow yourself to be constantly interrupted when meeting with clients. These types of nonverbal messages can speak volumes. Consider letting them know that your time with them is the priority. As you meet your clients in the reception area you might begin to get in the habit of telling your receptionist something along the lines of "Please hold all calls. The next hour belongs to Ms. Jones." Of course, this isn't going to be said for the sake of your receptionist; it's said for your client's sake and that kind of sentiment and statement can work wonders.



Risk Management Questions?

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