

Building Successful Client Relationships

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I. Nurture the Relationship

- A. Relationships are the key to a successful law practice
 - 1. People generally like doing business with people they like, trust and can count on
 - 2. Most legal work comes from repeat business and referrals
 - 3. Most referrals come from satisfied clients
- B. In our mobile society you never know the position a person might hold in the future

[Example: The Path to Asbestos]

- C. The best way to nurture a relationship is to demonstrate in meaningful ways that you care about the other person and about his or her success
- D. Building successful client relationships is more about a way of being than about specific things to do or avoid

II. Embody the ART of Being

- A. People like to connect with each other
- B. Successful relationships are based more on who you are than on what you do
 - 1. Notice how you feel about people you really enjoy being with
 - 2. Compare that with how you feel about people you enjoy doing certain things with
- C. We learn about the ART from jury research and public opinion research that give us insights into peoples' expectations
- D. What's the ART?
 - 1. Authenticity -- be genuine, be real
 - a. Be yourself
 - b. Do not try to be someone else
 - 2. Responsibility -- take responsibility

3. Transparency -- be open and honest
- E. A closer look at taking responsibility

[Demonstration: The \$20 bill]

[Example: Johnson & Johnson in the 1980s]

III. Focus on the Client

A. Really understand the client

1. The client's business
2. The client's goals
3. The client's principles and values

B. Use available tools

1. Website
2. Annual report
3. Google search

C. Understand the client's business objectives for the case or matter

[Example: Know When to Stop]

D. Figure out how you can achieve those objectives in an ethical way that works for the client

E. Know your client and adjust to his or her personality so that you connect

1. People have different communication styles
 - a. Personal differences

[Example: Concepts vs. Data]

[Example: Direct vs. Indirect]

[Example: Contextual vs. Bottom Line]

b. Cultural differences

[Group Discussion: Examples]

c. Gender-based differences

[Group Discussion: Examples]

2. People have different values, hopes, dreams, fears and motivations

3. People have different gifts

[Resource: www.strengthsfinder.com]

4. People have different ways of perceiving the world and making decisions

[Resource: Myers-Briggs Personality Types]

[Illustration]

[Note: Most non-lawyers are not like most lawyers in this respect]

5. People have different ways of processing information

[Discussion: The Ways We Think]

[Illustration]

[Resource: www.benziger.org]

IV. Practice Client-Centric Behaviors

A. When talking with your client, *listen*

1. Avoid interrupting

2. Resist the temptation to show the client how much you know

3. Take the client's opinions and suggestions seriously

[Example: The Good News and Bad News Footnote]

- B. Demonstrate to the client that you understand the client's objectives and that you are committed to helping achieve those objectives
- C. Behave as though you and your client are on the same team -- because you are
- D. Look for creative ways to solve the client's legal problem
- E. Put your ego aside -- the reason the client came to you is about the client, not about you
- F. Remember that the client is a person or a group of people experiencing a legal problem
 - 1. How the client is experiencing the problem is at least as important as the problem itself
 - 2. Personal values, hopes, dreams, fears and other emotions are likely involved and need to be acknowledged and taken into account
 - 3. Don't overlook the client when focusing on the client's legal problem
- G. Appropriately manage the client's expectations
 - 1. Avoid creating unrealistic expectations about the outcome of a matter
[Example: Illustrating a Contingent Fee]
 - 2. Avoid creating unrealistic expectations about deadlines and avoid making commitments you cannot meet -- engage the client in a discussion and seek the client's agreement to realistic deadlines
 - 3. Communicate risks in a balanced way that shows you have confidence in the course of action you propose, and remember that clients do not like naysayers
- H. Acknowledge mistakes promptly
- I. Give the client your full and undivided attention when talking with him or her
 - 1. Avoid interruptions
 - 2. Don't check email, voicemail or Blackberry messages about matters unrelated to the client

3. If you know you will need to excuse yourself to take an important call, explain the situation to your client in advance

J. Stay in touch -- clients like to know what's going on

1. Understand and meet the client's expectations about the frequency, nature and timing of communications
2. If a client wants to review pleadings or other documents before they are sent to other parties or to the Court, be sure to give the client enough time for a meaningful review

K. Pay attention to clues about client boundaries and respect those boundaries

[Example: Late Night Calls]

[Example: Vacation Calls]

L. Address problems in the relationship promptly, directly and honestly

M. Avoid embarrassing a client or putting a client on the defensive

N. Show that you care

1. Treat your clients like friends -- because they are
2. When a client has an important life event, do you send a card or do you show up?

O. Practice these behaviors without expecting anything in return

1. This is not about *quid pro quo*
2. It's about a way of being that makes clients want to give you work and recommend you to their friends

V. Avoid the Pitfalls

A. Putting your interests or the firm's interests ahead of the interests of your client

[Example: I Want to be Bar President]

[Example: I Want a First-Chair Role]

- B. Behaving as though it is your case or legal matter instead of the client's
 - [Example: I Can't Ask a Judge to Try This Case]
 - [Example: Thoughts or Input]
- C. Advertising or promoting your work for a client without the client's permission
 - [Example: The High-Risk Brochure]
- D. Holding the client hostage on economic issues
 - [Example: A Rate Increase or Else]
- E. Changing staff without the client's approval
 - [Example: My Partner Will Try the Case on Monday]
- F. Disregarding the client's wishes on conflict waivers
 - [Example: We'll Take the Case Anyway]
 - [Example: The Prospective Blanket]
- G. Failing to communicate
- H. Forgetting that clients hate surprises
- I. Making unauthorized commitments
 - 1. Scheduling
 - 2. Substantive positions
 - 3. Settlement
- J. Getting territorial with co-counsel
 - [Example: The One-Sided Shouting Match]
- K. Trying to cover up or rationalize a mistake
 - [Example: The Smart Waiver]

L. Resisting new or different approaches

[Example: The Discovery Diehard]

M. Changing your view about the likelihood of success shortly before trial without a significant change in circumstances

N. Charging excessive fees

1. Hourly rate sticker shock
2. Inefficient staffing
3. Excessive rework
4. The entourage
5. The unwanted Cadillac

O. Billing for things no one would expect to pay for

VI. Try to Make the Economics Work

A. Clients believe that legal services, particularly for litigation, have become terribly expensive

B. Remember the dinosaur

1. Definition (courtesy of the American Heritage Dictionary, Third Edition):
“One that is hopelessly outmoded or unwieldy”
2. A modern example: Hourly billing with periodic rate increases

C. Be open to alternatives

1. Clients are becoming more interested in fee arrangements that share risk and reward
2. It is becoming more important to clients for expenses to be predictable

D. There is no single answer or “silver bullet”