

The Times an Attorney Must Communicate with Clients

Although it may seem elementary, communication with clients is a skill attorneys probably did not learn in law school. At the same time, if communication is not properly conducted by attorneys, it can reduce profits and increase problems with clients. Even attorneys who think they excel at communication can learn to do it even better.

Before A Consultation

Communication with clients begins before they even interview or retain an attorney. The initial communication is when the attorney advises the potential clients what types of services are provided and how they can be helped. In other words, what types of legal problems the attorney can help solve, prevent, mitigate or eliminate for them



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or someone they know so they will be aware when they need to or should contact the attorney. For example, if the attorney prepares wills, he or she can communicate to the target audience members when they need to prepare, review or change their wills.

The next communication also occurs before a consultation. Before the attorney meets a client for a consultation, the attorney should communicate with the client the rules of engagement. Does the attorney offer a free, low cost and discount consultation, and is it limited in time or scope? If there is a fee, will the attorney give the client credit towards a retainer? The pre-consultation communication must be clear about this so the client has appropriate expectations for the consultation as to what will happen as well as the fee involved.

At the Consultation

During the consultation, the attorney must, in addition to communicating credentials and listening to the client's concerns, make clear what additional factual information or documents are needed and what investigation must be conducted before the attorney can decide how or if the client can be helped. The attorney must also discuss the fee arrangements or possible alternative fee arrangement; whether the client needs to act immediately or in the near future regarding a matter; and, the possible timeline for resolving the matter along with the various steps involved.

The attorney should communicate the "value" to be provided during the consultation and, if retained, how the money, the service or document to be provided to the client can help the client or how the services can prevent more serious legal problems in the future. If feasible, the attorney might want to offer to bundle services. For example, if the client retains the attorney to draft a will, the attorney may want to offer a package price on (or dis-

count price or include for free) a Power of Attorney and Health Care Proxy as well, when the attorney is retained for the initial service.

After the Consultation

After the consultation, the attorney should communicate with the client in writing about the details of the retainer agreement, including the services to be provided; the client's responsibilities to provide additional information or documentation; and any matters or services the attorney is not going to provide. The attorney should also clearly communicate the basis of the legal fees and when the fees must be paid or advanced. Finally, the attorney must clearly communicate any additional costs or fees and when they are due, and what the attorney's responsibility will be, if any, if an appeal is necessary.

The failure to specifically discuss responsibilities for an appeal and whether additional legal fees or costs will be required or when they need to be paid has led to many grievances or malpractice claims against attorneys and this discussion is the best way to prevent any problems later in the representation.

After the Retainer

Once work begins on the matter, the attorney must continue to remind the client as to any information, investigation or documentation the client must provide and must also keep the client advised of the progress. It is incumbent upon the attorney to provide the client with updates, perhaps every 60 days, even if it is not required by the retainer agreement or court rules, as to the status of the matter. If the attorney is waiting for the case or matter to be reached by the court or an agency or for other events to occur or for information from the client or a third party, it is important for the attorney to remind the client, if only so the client does not blame the attorney for any delays or uncertainty. At the same time, the attorney should also advise the client of efforts to move things along. If there are unanticipated delays in handling or resolving a matter, the attorney needs to advise the client accordingly and state what, if anything, the attorney or the client can do to expedite it. It is entirely the attorney's fault if the client does not understand or does not know the status of the matter.

Communication in Billing

When it is time to bill the client, the attorney must clearly communicate the services provided in sufficient detail. If appropriate, the attorney should list the services provided even if they are without charge. For example, if the attorney is not charging the client for short telephone calls, reminder calls, follow-up for information needed from them, or providing periodic status reports, the attorney should list the work performed along with the welcome statement "no charge." Clients, just like shoppers, appreciate free services or those provid-

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ing extra value and these may help to build good will.

If there is any bad news concerning the matter, the attorney is ethically required to inform the client, and it is best to communicate this to the client sooner rather than later. The attorney should also advise the client if this will adversely affect the ultimate resolution or delay the matter.

Communications to Resolve

When the matter is ready to be resolved, it is important to communicate with the client both verbally and in writing various options and scenarios. If ADR can be utilized to resolve the matter, especially if it can occur early in litigation, make sure the client is aware of ADR as a possibility to avoid claims of ignorance or uncertainty down the road. If there are any offers or demands, communicate that as well, along with possible opportunities to negotiate or discuss a resolution in court or between the parties. Individual, business and corporate clients today want to take advantage of each and every opportunity to resolve a matter on a cost effective basis or to understand why this is not possible.

After the Resolution

After the attorney has satisfactorily completed a matter, it is best to remind

the client that his faith in the attorney is appreciated. Even more importantly, the attorney should let the client know that the attorney is available to resolve this matter or similar problems for friends and family in the same cost effective and helpful manner. In addition, this is an opportunity to cross sell services by letting the client know what other types of legal matters the attorney or his colleagues can help the client with and that referrals and future business will be appreciated. Clients are not mind readers and may not be aware of these possibilities.

Once the attorney has satisfied his clients (the ultimate goal of all attorneys), there is nothing to lose by keeping in touch with them and communicating to them updates concerning their areas of legal concern or when the attorney might be able to provide updated or additional legal services to them, as laws and their lives change. Clients may forget the attorney's contact information or the other areas the attorney handles, so it is best to communicate with clients regularly through whatever media works best for both the client and the attorney.

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