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Chair | Young Lawyers Section

Client Relations Advice for the Newer Lawyer

New lawyers have plenty to worry about. Meeting minimum billable hour requirements, striving to gain meaningful experience, pleasing finicky senior lawyers or simply surviving the transition from law student to new lawyer, or from new lawyer to one with much more responsibility, can fill any young lawyer's day. With all of these considerations, who has time to think about "client relations?" And what does that phrase even mean?

While you may be focused on meeting the demands of the law firm, remember that clients, not the law firm, actually fund the young lawyer's salary. And clients ultimately determine whether or not your performance is satisfactory. Thus, regardless of how much "client contact" you have or whether you actually spend more time serving the needs of senior lawyers in your firm, your clients are the bread and butter of your practice. Do not forget this fundamental rule.

Clients have a right to good service. This does not necessarily mean obtaining a "good result" in the matter for which you and your firm were retained, although it never hurts. Good service to clients goes beyond results, and begins the moment your firm is retained and continues beyond the time that the matter has concluded. Keep the following in mind as you go along.

The client is the client, but your boss may be "the client," too. In various seminars and presentations I have attended on client relations for younger lawyers, I have often heard the following: "You have two clients: the actual client and your supervising attorney." This theory is usually presented to new lawyers who are employed at larger firms or who regularly practice with teams of lawyers. This is an important concept, especially for those young lawyers whose client contact comes mainly through supervising attorneys.

Viewing supervisory attorneys as clients does not mean you should lose sight of your ultimate responsibility. The client's goals and satisfaction matters most. Most of the time, your client's wishes will be consistent with your supervising attorney's. In that case, of course, there is no conflict. At the end of the day, however, if your client wants your draft brief a week before the deadline, but your supervising partner tells you not to worry if it is a day or two late (this is a rare example that has never happened to me personally), you should meet your client's demands. If the conflict between the supervising attorney and the client is more serious, you should raise your concerns and seek clarification from your supervisor, or, if necessary, consult another experienced attorney in your firm. On the one hand, I would not recommend sitting idly by if you believe your client's position is being jeopardized. But on the other hand, be prepared to stand down and defer to a reasoned course of action by a more experienced supervising lawyer.

Assuming, however, that there is consistency between the positions of your client and your supervising attorney, which is generally the case, the supervising-attorney-as-client theory makes a lot of sense. Younger lawyers often have little direct contact with the actual client, so competently performing your duties as a junior attorney allows the supervising attorney to do the job that much better and, ultimately, the client will be pleased. Additionally, proving your competence to a more senior attorney is an excellent way to showcase your talents and to convince a more senior lawyer that you have the ability and judgment to deal with a client directly. Thus, when considering the additional suggestions below, you could just as easily replace "client" with "supervising attorney."

The same rules apply to both.

Be responsive. If your client calls you, call her back. If she sends you an e-mail, return it. Or if you receive a letter from your client requesting that you do something, do it. You should substantively respond to your client within a day or, within that time frame, let your client know that you will be responding soon and when you intend to do so. While these guidelines may seem obvious, they are too often overlooked. Indeed, if we polled clients, I guarantee that "unresponsiveness" would be the number one complaint. Do not be the lawyer who helps keep that complaint at the top of the list.

Responsiveness also includes updating your client regularly on the matters you are handling, especially if you are the primary lawyer on the matter or otherwise are chosen to fulfill this role. You should develop, early in your career, a practice of informing clients about their matters before they ask you about them. You should select a time frame — weekly, monthly, quarterly or whatever works best for your client and your practice — and let your client know that you will be providing updates on that periodic basis. If you find that your client frequently has to contact you for an update on the matter, that is a sign that you are doing something wrong.

Know what is going on with your client. For those of us who work with major corporate clients, doing this requires little effort. Read the headlines in the local paper from the town where your client is based — it is probably available on the Internet — and otherwise keep up-to-date with your client's business. Many on-line national news publications permit you to design daily automatic searches to pick up news about a company or an industry. Try to avoid

the awkwardness of a conversation like this:

YOU: How is everybody doing there?

CLIENT: Not bad, except, we filed for bankruptcy two days ago.

YOU: Oh, I didn't know.

If you deal with individual clients or businesses that are not in the news on a regular basis, this may require a little more work. You will still want to keep up with the organizations and industries that may affect your client, even if your client is not directly involved. Most importantly, keep in touch. Have lunch with a client you have not heard from in awhile, or make a brief phone call to say hello. This will allow you to stay in the loop on what is happening.

Do not be afraid to say, "I don't know, but I will find out." Clients rarely expect lawyers to know everything about everything, right off the top of their head. If your client poses questions that you do not know the answer to, it is okay. When it happens, take a deep breath, and say, "I don't know, but I will find the answer." By doing so, you are building an important trust with your client. She knows at that point that:

(1) you do not think you know everything (because none of us do); (2) you are cautious enough not to give unsupported advice; and (3) you are diligent enough to make sure you give appropriate advice.

Advance your client's position at every step. Everything you do ought to be calculated to advance your client's position in some way. In litigation, for instance, this means everything from being punctual and prepared at court hearings (showing that you and your client take the case seriously) to being candid and not taking extreme positions in the matter you are handling (building credibility with the court or opposing party). Before you write a letter, file a brief or act in any way, ask yourself how it advances your client's position.

Another good example is how you deal with opposing counsel in a litigation matter. If you grant an opposing attorney an extension to file a brief, it should be done first to assist your client's case. i.e., Perhaps your client will need an extension or some other favor from the opposing side some day. Indeed, you should be cordial to opposing counsel not necessarily

because you are a nice person (although that is a good reason, too) but rather because having a good working relationship with opposing counsel usually advances your client's position. By being professional and courteous, you will not waste yours or your client's time and money wrangling about matters that do not advance your client's interests, e.g., writing nasty letters and attending discovery dispute hearings.

Be a competent lawyer. Above all, servicing your client well means being a competent lawyer. This is hardly surprising, but do not overlook it. You can be the most responsive lawyer, the nicest lawyer, the most efficient lawyer and the most cautious lawyer, but if you are not competent, your client inevitably will look elsewhere. Your decisions and proposed courses of action should be based upon well-thought-out considerations, after necessary research and study of the issues. And you need to be well-versed in the rules and the law that apply to what you are doing. At the end of the day, you will find that the competent lawyer is the one who always seems to stay busy. Make sure that is you. ■

Cleveland Bar Association Treasurer's Report



by Thomas M. Turner

As Treasurer of the Cleveland Bar Association, I am pleased to report to the Membership that on Sept. 11, 2003, Hausser & Taylor LLP, CPAs, delivered to the Board of Trustees of the Association and to the Cleveland Bar Foundation its *Independent Auditors' Report*

concerning the financial statements of the Association and Foundation for the fiscal year ended June 30, 2003. In summary, our auditors expressed an unqualified opinion that the financial statements are in conformity with generally accepted accounting principles. The audit was completed in record time and no accounting adjustments were recommended, both to the credit of Finance Director Alla Leydiker.

For the fiscal year ended June 30, 2003, the Cleveland Bar Association achieved total revenues of approximately \$2.2 million, of which \$952,000 constituted membership dues. With expenses totaling slightly higher than total revenues, the Association incurred a \$67,290 deficit from operations. Though not unanticipated due, in part, to lower than anticipated profit from CLE, lower publication advertising revenue and higher staff and related costs as we geared up for growth, the results were nevertheless disappointing. In order to meet the rising costs associated with providing services to its members, as reflected in the current year budget and to implement the newly adopted Long Range Plan, the Board chose to increase the regular annual dues for the current fiscal year by \$10. Also in keeping with the Long Range Plan to enhance Cleveland Bar Association services to its Sections' membership, the Board increased Sections dues in order to finance the new positions of Sections Director and Sections Assistant. In addition, many volunteer leaders of the Cleveland Bar Association have spent countless hours on other strategies incorporated in the Long Range Plan which will have a demonstrable effect on the financial strength of our Association for many years. Throughout the current fiscal year, as in the past, I can also assure you that the staff of the Cleveland Bar Association will continuously seek to find the most cost effective way to deliver the many valuable services that are offered to the Membership.

Please feel free to contact me with any questions or concerns you may have regarding the financial matters of the Cleveland Bar Association. ■

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