

## Mastering Client Communication

By Reid Trautz<sup>1</sup>

*Trust is the glue of life. It's the most essential ingredient in effective communication. It's the foundational principle that holds all relationships.*  
----Stephen Covey

As lawyers, what do we do that is not communication? We read letters, emails, and books, and websites to gain information people are communicating to us. We write letters, emails, and build law firm websites to communicate to others. We counsel clients and appear in court to communicate on their behalf. Even when we are drafting a lease or trust document we are communicating the intentions of our clients for the benefit of future readers.

It's true we learned the substantive law in law school and in our practice, but where did we learn our communication skills? Did you take Communications 101 in law school? It wasn't even offered. If all we do as lawyers is communicate, why isn't this taught in school? Why isn't this a frequent course on the CLE schedule?

Shouldn't it be?

Studies show that about 40% of all lawyers are extroverts, whereas 70% of the U.S. population are considered extroverts (according to Meyers-Briggs testing). The legal profession attracts thinkers not communicators. Many lawyers are good at researching, analyzing, and presenting arguments in writing but not necessarily in verbal communication—counseling with clients or presenting in open court.

Rarely do lawyers blame poor communication skills on a failure or negative outcome with or for a client. We will blame the law, the judge or the client before we look to other reasons behind that failure. How often do we turn to our own communication skills as a root cause? That is because few of us have training as good communicators.

With that in mind, let's look at some of the attributes of effective communication.

*To effectively communicate, we must realize that we are all different in the way we perceive the world and use this understanding as a guide to our communication with others.*

--Tony Robbins

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## **Effective Communication**

Effective communication has several components:

- Awareness that each person perceives the world uniquely
- Word choice is important, but so is the manner of delivery
- Listening is as important as talking
- The goal of communication is to create understanding and build trust.

There are many forms of communication: interpersonal, written, mass, broadcast, and a growing hybrid of electronic social communication. Each has a different purpose, although some overlap. Mass communications can involve speaking to a larger audience or sending direct mail; broadcast communications is about TV and radio, but it can also pertain to YouTube videos. However, for our purposes here, the form of communication that we use most often and has the greatest impact is interpersonal communication.

## **Interpersonal Communication**

*The most important thing in communication is hearing what isn't said.*  
--Peter Drucker

The most common form of communication is interpersonal communication. We verbally talk to another person and listen to him or her communicate with us. This can be done within a law office across the desk with a client, on the telephone or via video conferencing. It is a constant circle of talking, listening, talking again, listening some more, and the loop continues until the discussion ends—for better or worse.

Interpersonal communication is conversational. It is a circle of information gathering, sharing, thereby gaining more information and insight. Over time—in one conversation or several--communication builds trust. Because of such communication, relationships are established. People understand each other, and so we have the ability to lead and influence those with whom we have a relationship. Yet, communication is more than just talking to a person.

A famous study published in the 1970's established the three elements of effective interpersonal communication:

- 1) Vocal: How you say words, including tone, clarity, volume, and speed.
- 2) Visual: What you look like when saying it including eye contact, body language, facial expression, dress and appearance, gesturing, and surroundings (context).
- 3) Verbal: What words you use including jargon, acronyms, slang, simple or complex words, etc.

Recent research has confirmed that all three combine to create successful or unsuccessful communication. We must be aware of these three elements and work to understand the needs of the person (or persons) with whom we want to communicate, and then do our best to meet their needs so our communication is successful.

People use all three elements to digest and analyze communication, yet not everyone places the same emphasis on all three elements. Some people listen more to the words (Verbal), yet others focus more on tone (Vocal), while many people rely on what they see to understand and interpret the communication (Visual).

Imagine if Nathan Hale had said “Okay, I’m willing to die for my country,” instead of “I regret that I have but one life to give for my country.” John F. Kennedy could have said “Do good things for your country,” but instead chose the words “Ask not what your country can do for you, but what you can do for your country!” Words do matter!

Yet when there are conflicts of trust and believability in the communication, many people use their eyes (Visual) to determine the true message. Try this trick with a friend or colleague to show the power of Visual over Verbal: Ask them to make an “O” with their thumb and forefinger—you demonstrate this to them. Now, instruct them to put it to their chin while you place it on your cheek. See if they followed the verbal queue or the visual one.

Here is a common example of how visual messages can alter your verbal message. Say you are in an initial consultation with a client. You are telling the client how you pride yourself on being efficient through organization in order to keep client fees to a minimum. But your office is a mess, with files stacked on your desk. This visual image belies the verbal message, undercutting the effectiveness of the verbal message. The potential client may doubt you are telling them the truth. Not a good start to the relationship!

What happens when the three elements are not all present? Effective communication is still possible, but people have fewer ways to analyze and digest the communication.

*Electric communication will never be a substitute for the face of someone who with their soul encourages another person to be brave and true.*  
--Charles Dickens

With electronic communication, we lose the visual queues to help us understand the communication. When we are on the telephone we have both vocal and verbal queues—we can hear the words and how they are delivered, but we lose the visual. We often learn to cope because a telephone call saves time, and if we already have a relationship with someone we can infer things into the telephone conversation. However, with email—a form of communication we rely upon more and more—we also lose the vocal queues. With email, we are in trouble.

*A Journal of Personality and Social Psychology* study shows that people correctly interpret the tone of an email only 56% of the time. However, people think they've interpreted tone correctly 80% of the time, and senders believe they have conveyed their intended tone 90% of the time. The sender can hear his intended tone in his head, while the receiver interprets the message according to myriad factors, such as mood or previous experience. So be careful when you're trying to nuance a difficult message through email. It is better to pick up the phone and call, or if the information is detailed or the impact great, it is better to deliver it face-to-face where all three elements of communication can be used.

### **Impediments to Interpersonal Communication**

There are many things that can interfere with clear and successful one-to-one communication. Much of this interference is beyond our ability to control, but we can understand the role of interference and try to overcome its effects.

For lawyers, human emotion is among the most common impediment. Clients are often under considerable stress the first time they visit you in your office. Your explanation of their legal rights (and your fees and costs) may be a model of clarity, but it may not sink in because their emotion may impede their understanding.

Language and cultural barriers can also impede communication. Remember, each human sees the world differently, so their context for communication is different especially if they were raised in different part of the world—something that is more common in our mobile society today.

Confidence in using a particular mode of communication also has an impact. Some people do not like email or video conferencing, so may have more trouble adjusting to understanding the messages that are sent using them.

Interruptions also impede good communication. If a conversation is productive with participants sharing and learning an interruption will stop the flow, and may cause the participants to lose focus and momentum in establishing or furthering a relationship. Interruptions come from many sources, yet can be controlled to a large degree in a law office.

Understanding these impediments is the first step to altering your delivery of information to a client to make for more successful relationships. So instead of providing all of the information in a verbal conversation, you could reinforce that conversation by providing a small written handbook of what the client may expect as the legal process moves forward.

### **Effective Communication Skills**

Now that we have a better understanding of the elements of good interpersonal communication and the impediments to achieving good communication, let's look at some ways to improve our communication skills.

- Develop your listening skills. Listening is an active skill that takes concentration, It is more than just listening to words, it is hearing the tone and looking for visual cues about the person. It is also about learning how to encourage your clients to talk and how not to interrupt them. It is also learning to communicate your attentiveness—to show the person you care about what they are saying. Use appropriate body language. Don't play with paper clips. Don't gaze out the window. Don't allow interruptions. Learn to take notes of your meeting/discussion and be an attentive active listener. If you need to use your computer or glance at your phone, let the person you are talking to know that you are still paying attention to him or her.
- To show the person you are listening, use reflective responses in your conversation. This is using the other person's words in your conversation to acknowledge you heard them and signal there is some mutual understanding.
- Use repetition in the conversation. Especially when the legal concepts are new to a person, consider saying them in different ways so the client has a better chance of understanding their full meaning and application to their legal matter.
- Use metaphors and analogies to gain mutual understanding. Create a series of these to help new clients understand legal concepts and the legal process.
- Seek feedback from the other person. Ask the person if they understand what you are saying. There are many ways to frame this question. Find the best one for your audience. A lawyer would not say "Am I getting through to you?" but might ask "Can I clarify that further for you?"
- Employ appropriate gestures within the conversation.
- Introverts can impair communication due to uneasiness or avoid communication because they do not know how to respond (calling a client with bad news, etc.)

### **Effective Use of Communication**

Communication is the key to a successful client relationship. From the moment the client first contacts the firm, through the initial intake, and until the file is closed. Make sure the client communication process has multiple opportunities to update the

client. Here are several ways to use communication to improve the attorney-client relationship and ultimately add to the success of each legal matter.

- Use simple forms and form letters to make it more efficient (and less-costly) to frequently communicate with clients. When there is a long period of anticipated inactivity on a matter, send a simple form letter or email to the client letting him or her know you are still following the matter closely.
- Clients always want to feel their matter is moving towards a resolution. In litigation and other areas of law there can be long periods of inactivity. Don't assume clients will understand why there is a delay. Make sure they are kept informed of the status of a matter, and when they can expect it to move forward. Send copies of all incoming and outgoing correspondence to the client.
- At the initial consultation, let the client tell their story and the reasons why they are seeking legal advice and representation. Explaining their issues, concerns, and problems is cathartic to many clients. Resist the temptation to start extolling the virtues of your firm until their story is told.
- It is up to you to take the initiative to discuss fees and costs (disbursements) openly, candidly and comprehensively, preferably at the first interview. Don't sugarcoat what the work will really cost to rope in the client. You are just planting a land mine in the middle of your relationship, and sooner or later it will explode.
- If the client has an upcoming appointment, confirm that a day or two before the appointment via email, text, or voicemail message. Give them an opportunity to call with questions or to reschedule.
- If unanticipated developments in a file mean that your fee is going to exceed your client's expectations, discuss the increase openly and candidly at the earliest opportunity so the client can decide whether to bail or continue. Don't assume that because it is evident to you that the additional work is needed and should result in a higher fee, make sure it is evident to your client.
- Use your monthly bills to communicate your continuing effort on behalf of each client. Use descriptive terms for each task (or set of tasks) that you perform on behalf of a client. Law is a service profession, and much of what we do is intangible to the client, and performed out of their sight.

- Learn something personal about your client, and comment about it the next time you meet. It may be a birthday, a victory by a favorite college sports team, a mention of a family member in the local paper, or the receipt of an award from a local community group. Let the client know you are thinking about them in other ways than just your legal business.
- Return client phone calls promptly. This is one of the most common complaints about lawyers. To avoid this problem, set and control client expectations from the very start of the relationship. Establish a reasonable policy on how quickly calls will be returned (e.g. 24 hours, end of the next business day, or whatever is appropriate for your area of law or clients), inform the client of the policy, and abide by it. Set up a mechanism for staff to return calls within the established timeframe if you are not available. Remember, returning a call is a sign of respect and that you value the client's business.
- No doubt, at some point you have been frustrated when you were trying to contact someone or leave a message. Now ask yourself: has one of my clients ever been frustrated when they tried to contact me? To avoid frustrating clients, consider the following pointers for handling incoming calls.
  - ✓ Learn how callers to your office are greeted, and what options they are given for leaving a message? Even if you think you know, call your office to find out for sure – you might be surprised by what you hear. Don't forget to check if the answer to this question changes when your regular receptionist is off sick or on vacation.
  - ✓ If your firm's incoming calls go through a receptionist, consider giving the caller the option of leaving either a traditional message or a message on voicemail. This will prevent someone that is uncomfortable or unwilling to use voicemail from being forced to do so.
  - ✓ Does your receptionist ask callers to identify themselves? Tread carefully with such call screening. If you don't take a call after a client has been asked to identify herself, you are possibly leaving the impression you are avoiding the call. Oops! So how do you avoid this? Set-up this protocol with your receptionist: If you don't want to be disturbed, put your phone on hold so the receptionist knows you are not available. Then when the call comes in, it can go directly to your assistant or voicemail. No need to ask for name of caller.
- Your voicemail greeting speaks to your client when you can't – so you need to make sure it says everything it should. To be of maximum assistance to a caller, your voice mail message should:

- ✓ Open with your name and title so that callers are sure they reached the correct voicemail.
- ✓ Be updated on a daily basis, including brief details of your schedule (but not your life story) if you expect to be unavailable for part of the day (“I am in court all morning”).
- ✓ If you are out of the office, indicate if you are checking voicemail or e-mail messages, and when you expect to be back (especially if you are away for an extended period).
- ✓ Always give callers an option to transfer to a live person, either your assistant or the receptionist. This is important if they need immediate assistance. And remember to adjust messages if both you and your assistant are out of the office.
- ✓ Encourage the caller to leave a detailed message – yes you shouldn’t have to say this – but it will help pry out a few more facts from callers that are reluctant to say much. This help you learn exactly what the caller wanted without having to call them back.
- ✓ Lastly, state your policy with respect to how quickly voice mail messages will be returned (e.g. “ I return calls within 24 hours”, “ ...by end of the next business day”, etc.). Set a time that fits you, your practice and clientele – and make it very clearly known to your clients at the time of retainer so you can set and control their expectations.

## **Parting Thoughts**

Most of us take communication for granted. Few of us acknowledge the importance of communication in the outcome of a client matter. However, it is clear that communication can and does make a difference in almost everything we do as lawyers. If we spend time reviewing our communication skills, including our persuasion skills, we can become even more successful.

Simply, a lawyer who communicates well with clients will become a trusted advisor. Communication significantly increases understanding and reduces uncertainty. And a lawyer who is accessible to clients is far more valuable than one who is not.

Don’t expect change immediately, but do spend time to adjust and improve your communication awareness and skills. As you communicate with prospective clients, opposing counsel, current clients, and your office staff, put yourself in their shoes. Listen, think, and act based on the concepts and tips provided here. However much time and effort you invest, you will get back more in return. Trust me! ☺