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Managing Client Expectations

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Effective Communication

- Managing client expectations is really all about effective communication between the lawyer and the client. We find it subtly ironic that while lawyers are trained to be good communicators, the primary cause of the breakdown of a lawyer-client relationship (and complaints to the Law Society) is a failure to communicate effectively.

Do not promise your client what you cannot deliver

- This rule is often cited as “under-promise and over-deliver”. The major difficulty with promises (deadlines and outcome predictions) is that, at least in the world of litigation, there are too many variables. You will simply fail to meet your client’s expectations and your relationship becomes strained.
- Nothing is a “slam dunk,” thus refrain from advising a client as such
- Set timelines and adhere to them and if you can’t then explain to the client the problem

Be frank with your client about what their expectations should be.

- This basic rule puts you into the role of an educator and focuses your client on realistic expectations rather than their own perceptions of processes and outcomes.
- Remember much of what client's know about legal processes maybe from non-reality television.

Check and double check on your client's expectations and whether you are meeting them.

- Managing expectations is an ongoing process. Throughout your professional relationship with your client there are many “twists and turns” requiring you to confirm what your client's ongoing expectations are.

Always maintain regular and effective communication with your client

- This is important even if nothing is happening on you client's file. Be bold in your communication with your client and don't "sugar-coat" matters.
- Follow up correspondence and e-mails are effective.

Deliver bad news quickly

- We feel it's human nature to want to please clients and delivering bad news is not an easy thing to do. When you receive bad news on a file it is imperative that that information is conveyed to your client (by yourself) quickly and boldly.
- Don't explain it to your client by blaming someone else.

Never assume your client understands the complexity of matters that you have undertaken to represent them on.

- Educate your client at a level that they can understand. Repeat your advise to them throughout.
- Be clear and concise in your communication and don't try to impress with your vocabulary.

Money talks! So talk about it

- One the most significant sources of tension and failed expectations is the issue of fees . Deal with this issue boldly, up-front and, above all, get your client to sign a retainer agreement outlining in clear terms what *you* expect of your client.
- Don't think of charging \$10,000.00 to collect \$1,000.00. Likely you should not have taken on the client.

The Retainer Agreement

- The agreement is more important than simply setting out the fee arrangement between yourself and your client. It provides the best and clearest opportunity to effectively manage your client's expectations.
- Always a good idea to have a clause in your Agreement that the obligation is on the client to notify you of a change in contact information. This helps to avoid complaints and insurance issues.

The First Interview

- While managing your client's expectations may be an ongoing process, never underestimate the importance of the first interview and its connection with the retainer agreement. The first interview sets the stage for the entire relationship with your client.
- Get to the core issues and map out a plan to address and if strategy is not apparent to address, do the research/homework and send the client a letter.
- It is always good to remind the client that your office is not a "drive thru service."
- Be sincere and compassionate yet objective.

Know when to end the relationship

- With some clients, you will never meet their expectations and they will always be disappointed despite your best efforts. It is better for you and the client to part ways before the relationship breaks down completely.
- This includes your first meeting with the client. If you are uncomfortable with the client or the issues, don't take the matter on.
- Know as well whether the client had other lawyers on the matter. This may be a problematic client
- Ask how the client came to know of you.

“I dropped the ball”

- You can't be everything to everybody and you will make mistakes. You may forget to get that letter out to the other lawyer. Fall on the sword. Your client may temporarily be disappointed but honesty is more important. Dropping the ball is not as important as what you do about it.
- Don't fib to the client. Honesty and sincerity avoids complaints.

Know your limitations

- Taking on a matter that is beyond your expertise is a recipe for disaster. Your client will not only be disappointed but you will inevitably have harmed your reputation.
- You will also spend restless nights stressing over the matter and stare at the file on the corner of your desk during the day.
- Refer the client to a lawyer who specializes in the area.

Management

- Also means effective and sound management of your practice.
- Don't accept a client if you don't have the time to handle the matter expeditiously.
- Be decisive but be right.
- Get your client where he/she needs to be in the least amount of time without sacrificing quality.
- You cannot have a bad case with a good person or a good case with a bad person.
- Hire a good assistant.

Code of Professional Conduct

- Rule 2.02(1)
- Review commentary 5) as to examples of expected practices.

Questions?