

American Journal of Family Law

VOLUME 13 NUMBER 1

SPRING 1999

Issues in Interstate and Multistate Matrimonial Litigation

Marshal S. Willick

Arbitration and Special Master Proceedings: Overlooked Family Law Alternatives

William L. Hunnicutt

A Default Schedule for Physical Custody of Children: Part One

Kenneth H. Waldron

***Kessel and Kessel v. Leavitt et al.:* A Case of Interest to Adoption Attorneys**

H. Joseph Gitlin

Analyzing, Organizing, and Preparing Complex Financial Cases for Trial

Stephen J. Harhai

Business Valuation Standard for Divorce Should Be Fair Market Value

David M. Bishop and Steven F. Schroeder



Aspen Law & Business

Ten Tips for Better Client Relations

MARK A. CHINN

Jackson, Mississippi

Better relations with your clients will lead to a more satisfying and lucrative law practice and a better life. There are some proven keys to achieving this, known to lawyers and business people and found in articles and books.

One of the basic principles behind these tips is that your client must see *effort*. Many years ago, the Missouri Study asked lawyers what they thought their clients wanted most, results or effort. The lawyers said "results." Then the study's researchers asked clients what they wanted most. The clients said "effort." Lawyers are under the mistaken impression that clients expect their attorneys to win for them. The truth of the matter is, clients know they may not win; what they want is a lawyer who will work hard for them and care about them.

I have done an informal survey asking lawyers and others who send me business why they do so. My constant hope is that I will hear of my brilliance as an orator, or my command of the law, or my mastery of cross-examination, or my sterling win/loss record. But I never hear that. Almost to a person, they say they send me business because they know I will "take care of it." The lesson is that success lies in demonstrating true effort and care for the client's legal problem.

I have been doing divorce

work for about 17 years. About 7 years ago, it dawned on me that the clients I wanted to think fondly of me probably never wanted to hear my name again once their divorces were over, much less remember me fondly. After all, when I was through with my brilliant work, their families were torn apart, they were spending less time with their children than they had before, they often had less than half of what they had before and not enough to live on, and they had a legal bill for which they had not budgeted.

Well, I didn't want to walk around my relatively small community of Jackson watching former clients duck away when they saw me coming. So I set out to create as high a level of personal service as I could, so that they would fondly recall their association with my firm even though the divorces we helped them get were probably among the worst experiences of their lives. The key here is that I set out to deliver a high level of service.

If we understand that clients want to see effort and be taken care of with a high level of commitment to service, we are ready for the 10 tips:

1. CREATE A "CULTURE" OF SERVICE

Let everyone in your office know that your firm is committed to

delivering "unparalleled service." Make it something you talk about at firm meetings and in your daily talks with staff. It has to become a *way of life* for you and your firm, not just a *project*. "Service" for me is like personal fitness. You know you can't just hire a trainer and go to the gym for a few months and be fit. It has to be a daily commitment for the rest of your life. Development cannot be obtained overnight. It comes in little bits and pieces over long periods of time. And "if you don't use it, you will lose it." Service must be a daily commitment. For more on this, read *Inside the Magic Kingdom* by Tom Connellan.

2. HIRE AND TRAIN A WORLD-CLASS RECEPTIONIST

The first contact with your firm is the receptionist. This is the one who answers every phone call, the first one people see when they walk through the door. This person is the *first impression*. The receptionist is also the person your clients will talk to most often. Take time in selecting your receptionist. Indoctrinate this person into your culture of service and his or her lead role. Prepare a manual covering how to answer the phone, how to respond in various situations, and how you want him or her to meet and speak to people. Tell

your receptionist exactly what to say and how to say it. Write it down. I invite any of you to call my world-class receptionist, Angie, at 888-477-4410, to see how much of an impression she can make on you. For more on this, read *The E-Myth Revisited* by Michael E. Gerber

3. CREATE A CLIENT-FRIENDLY OFFICE

Look around your office. Is it designed and decorated for the pleasure and convenience of you or your clients? Chances are, you have paneled offices with wood and leather furniture, and diplomas, awards, and legal cartoons on the walls. Chances are, you have *Field and Stream* in your magazine rack, and it's two years old. Chances are, your reception area does not have a television or phone and is open to the public. Ask yourself, "Is this the environment that would appeal most to a 45-year-old woman who feels that the rug of life has been pulled out from under her?" No! She likes color and fabric, not leather and wood. She likes colorful prints, not diplomas. She likes flowers, potpourri, and candles. Do you have candles in your office? Well, women like them. And you know what? Men don't mind a scented candle either. If you need help on this, get a nonlawyer woman to help you step out of your lawyer box. Or do what I did: Copy an upscale beauty salon. For more on this, read *Marketing Your Services* by Anthony O. Putnam.

4. CREATE CLIENT SERVICE GAMES

We have done this in our office. The simplest game is the

"Unsolicited Comment of Unparalleled Service" game. If a client (or any other person) makes an unsolicited comment to me about a member of my staff or the service of my firm, I pay a cash reward to the entire staff. The person who got the compliment is happy for the recognition and the cash. The people he or she works with are proud that that person is a part of their team—and they're happy to get the cash. (Angie gets most of the cash in our office, but the other members of the firm don't resent it, because they share in it.) For more on this, read *The Game of Work* by Charles A. Coonradt.

We have a rule in our office that the client is to be sent a copy of absolutely everything that happens, unless it would be stupid to do so.

5. SEND THE CLIENT A COPY OF EVERYTHING

The primary thing we do for our clients is *think*. They can't see that. They don't know you are doing it. But one of the things you can do to show them you are thinking is to let them know the amount of paper you generate.

Send them copies of everything you send out or receive. Send them copies of internal instructions or memos. We have a rule in our office that the client is to be sent a copy of absolutely everything that happens, *unless it would be stupid to do so*. Create systems to ensure that this will be done. For example, copy the client with all correspondence you send. Have the person who opens the mail copy everything that comes in and automatically send it to the client before it ever hits your desk. We have a stan-

dard enclosure letter which the secretary sends that says, "Our office policy is to keep you informed of everything that occurs in your case and to provide you with copies of everything, so I am enclosing the following document which was received by our office today." For more on this, read *Selling the Invisible* by Harry Beckwith.

6. NEVER LOSE PATIENCE WITH YOUR CLIENT

Divorce clients are going through one of the worst things a person can experience. Divorce makes you crazy. One of my attorney friends—a very experienced and cagey litigator—told me he went to his ex-wife's house during a postseparation party she was holding, marched into her kitchen, and dumped all the party wine into the sink. He says that to this day, he does not know why he did that. In his classic southern drawl, he says, "Hell, I oughta know better, but divorce makes you crazy." Remember that.

I get a kick out of articles that tell you how to avoid the difficult or crazy client. I think, "Heck, if I avoided crazy clients, I wouldn't have any." So it's a fact that otherwise good people are made crazy by divorce. We must never lose patience with them. If you do, they will never forgive you. They may not fire you, but they will never forgive you.

I know there are times when we feel we must be stern with a client who we think is being overly emotional. I know there are times when we feel a client has walked us into a trap. I know there are times when we feel we must stop someone from hurting himself or herself. I have lost my patience with these people in the past, thinking it was justified in

the effort to help them. I don't think now that it is ever justified. An experienced dog trainer once told me, "Mark, never, ever, hit a dog; they lose respect for you." The same is true of people: Never, ever lose your patience with your clients; they will lose respect for you. For more on this, read *Crazy Times, Surviving Divorce*, by Abigail Twiford.

7. EDUCATE YOUR CLIENT

To me, the best result is obtained in a divorce when the lawyer and the client work together like a team, one feeding off the other in a symbiotic relationship. A client who does not understand the process cannot function like a teammate. Moreover, fear of the unknown is a major obstacle to a peaceful and successful attorney-client relationship. Education alleviates some of this fear.

Work hard to explain the process to the client. Keep her or him informed of what you are doing and what the next step is. Create or buy literature that educates your client. I have created the Chinn & Associates "Divorce Client Notebook," a three-ring notebook that tells the client about our firm, the court system, the divorce process, what to look for, what to try to get, and things, people, and thoughts to avoid. I even have a chapter in the book on avoiding what I call "kitchen table advice"—the advice clients will get over the kitchen table from all their friends. Obtain educational videos on things like the deposition and going to court. The State Bar of Wisconsin has a tremendous library of these tapes for sale. Another source for educational materials and magazines is the ABA Family Law Section. Call my fellow native Mississippian, Regina Smith, at

the ABA at 312-988-6800. Tell her Mark Chinn sent you. For more on this, read *The Adversity Quotient* by Paul C. Stoltz.

If the client wants to take an action that seems counterproductive, ask him or her if the action is consistent with the mission statement.

8. CREATE A CASE MISSION PLAN

I think lawyers do a poor job of thinking through and planning what we want to accomplish. I often see lawyers filing suits and pursuing discovery just because *they can*, instead of for a *real* purpose. Let me suggest that you develop a *mission statement* for each of your cases and everything that you do in each case. For example, a mission might be, "Get John divorced as quickly and inexpensively as possible preserving 50 percent of his assets with no alimony payment." Another might be, "Prevent a divorce while preserving the client's level of necessary support." I even do mission statements for depositions. It helps me focus on what I am really trying to do.

Stephen Covey says we should "begin with the end in mind." Abraham Lincoln instructed that we should write out our decree before we go to court. The proposed decree is the mission statement. Develop this with the client. Write it out and have your client invest in its creation. If the client wants to take an action that seems counterproductive, ask him or her if the action is consistent with the mission statement. For more on this, read *The Seven Habits of Highly Effective People* by Stephen Covey.

9. TALK ABOUT COST CANDIDLY AND UP FRONT

When a study asked lawyers what they *least* want to talk about in the initial interview, they said "fees." When the same study asked clients what they would *most* like to talk about in the initial interview, they said "fees." This doesn't mean that fees are the criterion for hiring you; it means clients want some information as to what hiring you will cost. Tell the client in your initial contact how you charge. Here's what I say: "Let me tell you how we charge. We require a \$10,000 retainer. We place the retainer in a trust account for you and we bill against it. My rate is \$250 per hour, my associates are at \$150, and my legal assistants are at \$85. Are you comfortable with that?"

Do a little research into the types of cases you handle. Determine cost trends for the various stages of a case. Before you embark on something, let the client know what it will cost. Ask for the money up front. Lincoln instructed: Always get a retainer, that way the lawyer knows he has a client, and *the client knows he has a lawyer*. Someone once said that hiring a lawyer is like writing a blank check. Assignment: Send your daughter to your local mechanic to have your car fixed without getting an estimate first.

10. COMMUNICATE

Communication with your clients is the lifeblood of a successful relationship. Send them copies of everything you do so they can see your work and follow the case. Instruct them about what is going on and what will happen next. Educate them in the process. Make sure there is some

contact with your office *at least* every 30 days. I once looked at a file an associate was handling and asked why there had been no communication in 30 days. She said, "Well, nothing is happening." I said, "Does the client know that?! Write her a letter and tell her nothing is happening and that you don't expect anything to happen and that nothing happening is good and that you will be

in touch with her again in 30 days, unless something happens." To me, the worst thing for a client to say about a lawyer is that the client hasn't heard from the lawyer and doesn't know what is going on. Would you want to be treated like that? No. But that is what most lawyers do. Communicate frequently and meaningfully with your clients, and they will love you even

though they don't like what is happening. Assignment: Enter Mammoth Cave without a guide.

Follow these tips and you will see dramatic change in your life and practice.

Mark A. Chinn is the founder of Chinn & Associates, a three-lawyer practice in Jackson, Mississippi, focusing on family law.