



Sample Chapters (5, 10 and 11)
from *The Successful Lawyer* by
Gerry Riskin

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Chapter 5

Introduction to Client-Relations Skills

I began my law career in the 1970s in a hundred-year-old Canadian firm with some of the best lawyers in practice either then or today. They believed that if you had a good education, you went to a good firm, and you did high-quality work for good clients, your practice would be successful. And they were right—at the time.

That prescription for a successful law practice is no longer useful. In the intervening years, a range of factors have had significant impact on the practice of law, including competitive threats from other professions, the high degree of specialization of lawyers, the advent and application of technology, and the fact that knowledge is depreciating much faster than ever before. Today it is necessary for good professionals not only to deliver excellence, but to be able to convey their value to clients and prospective clients.

In the next chapters you are going to be introduced to specific client-relations skills. The skills that we are going to review range from what some call the “soft” underlying skills, like listening or managing expectations, to more-aggressive results-oriented skills, such as courting and meeting prospective clients.

A Public-Relations Spectrum

In the past number of years I have had the opportunity to serve a wide variety of professional-service firms, both large and small, in many

countries and in different cultures. At least one attribute is common to them all: they know how to deal effectively with clients.

The distribution of this ability within the firm might be visualized in the form of a bell curve. At the top of the curve are approximately 10 percent of the professionals who are gifted when it comes to client relations. These people are not clones of one another, by the way—in fact, their personalities and communication styles are quite diverse. At the base of the curve is another 10 percent. These people may produce great legal work, but they are certainly not your “public relations” types. Managing partners joke that “We’d like to feed them the work through the top of the door and pull it out the bottom. In a perfect world, they would never meet a client.”

When it comes to client-relations skills, most lawyers fall into the 80 percent between the PR experts and the socially dysfunctional. What we want to examine in this section is how those in the middle 80 percent can acquire the skills of the gifted top 10 percent.

Client-Relations Skills Can Be Learned

There is a myth that some people are born to be great rainmakers and others are not. That is absolute nonsense. The most effective rainmakers are those who have learned some specific skills over their lifetimes which make them more effective with people. Some of them learned these skills at their parents’ knees, others at school or in places they worked before they became lawyers—maybe even in the sales or marketing fields. Wherever those skills were acquired, those rainmakers we now see as the so-called naturals are those who can employ human relations skills effectively at will.

We send litigators to advocacy courses because we believe that such courses will enhance the skill levels of those advocates, thereby increasing their value. There is no difference between enhancing advocacy skills and enhancing rainmaking skills. Both sets of skills can be taught, and both sets of skills can be learned.

In the next few chapters you will be introduced to the specific skills that I have observed in the best rainmakers in the world. Learning and using these skills can help you to become more effective both in enhancing existing client-satisfaction levels, and in attracting prospective clients.

Managing Client Expectations

All of us constantly measure and assess everything we encounter. Right now you are measuring and assessing the quality of this book. It is something we do every time we have a meal in a restaurant, every time we stay in a hotel, every time we hear a performer: we continuously assess and measure.

As a lawyer, your performance is constantly being scrutinized by your clients. Every facet of your relationship with them is being assessed. Here is the question: Do you have any input into the ruler by which you are being measured? In other words, to what extent are you able to manage your clients' expectations?

Just as you and I do, most clients create their “evaluation rulers” in their own minds. They decide how to assess you. Unfortunately, much of this assessment is done after the fact and—despite the popularity of the axiom—hindsight is rarely 20-20. Even if your clients were paying close attention during your conduct of their legal matter, when it comes time to pay the bill, they will subjectively reflect backward and—sometimes even with negative overtones—try to measure you in a way that will support a lower fee.

For a number of reasons, you need to forestall such possibilities.

Breaking Down Potential Fees

Your ability to manage client expectations starts by building the ruler together with the client. You need to discuss with them *in advance* such

issues as: What will likely happen during the course of this case? What are the variables that can affect a case of this nature? What are the expected time frames? What are the things within your control as a lawyer, and what are the things outside of your control? What challenges might arise that you cannot predict and that your client cannot predict? How would such challenges impact time? How would they impact effort? How would they impact cost? (You may want to note these questions together with any additional ones that come to mind, and use them as a checklist to ensure you don't miss anything when you are managing client expectations.)

Some of you may be thinking at this point, "I can't possibly manage the expectations of my clients so precisely. In litigation, for example, there are just too many uncertainties I would never be able to foresee." Indeed, it is for this reason that some lawyers are afraid to quote their fees.

If you reflect on it, however, you will discover that you *can* be fairly specific in managing client expectations. What you need to do is to break down your work into segments—making each phase as small as necessary. The first phase, for example, might be receiving materials, reviewing them, and having a preliminary discussion with the client about them. Another phase might be the discovery process. Whatever the nature of the work, if you break it down into specific segments, you will find you are able to manage the expectations for that segment.

Reaching Agreement

Once you have built the ruler with the client by going over the variables that could come into play in the matter, and identifying the roadblocks that might come up—some that are probable, some that are less so—your next step must be to make sure that the client is on the same page as you are by asking them to reiterate their understanding.

This is a delicate maneuver. You don't want to sound patronizing. You don't want to sound condescending. You need to say something to your client like, "Now, I just want to be absolutely certain that I have explained adequately how I see the process unfolding. You would do me a great service if you would just give me a quick overview of your understanding, so I can make sure I haven't left anything out."

By doing this, you have created an opportunity to hear the client's perception. You have given yourself an opportunity to fine-tune the perception, and to add to it if necessary. In addition, you have gone a long way toward managing your client's expectations.

Most lawyers fail to help their clients anticipate the potential costs of their legal services. By learning how to manage the expectations of your clients in this area, you will provide yourself with a strong competitive advantage, and you will help to protect yourself from the very negative perceptions that routinely arise against lawyers—especially at the conclusion of cases.

Building Client Rapport

Have you ever wondered why some lawyers seem to have such a tremendous rapport with their clients? Why they are so trusted? Why they are so highly respected? Why clients are so comfortable dealing with them, and frequently refer other clients to them? Other lawyers seem to struggle. They seem always to be at odds with their clients. They even seem at times to be fighting with them.

In my experience, the difference between lawyers who do have good rapport with clients and those who do not is related to communication, which is the pillar of any relationship. While it is true that you need to treat clients with some professional distance, at the same time you want to establish as much of an affinity with them as you can, so that you have your client on your side.

How do you do that?

Blanket Solutions Don't Work

Some years ago, while I was still practicing law, client satisfaction experts told a seminar of lawyers that we as professionals should project effort to our clients in order to increase client-satisfaction levels. They said that one way to do this was to show the client everything we did. If we were making an appearance in court, for example, we should invite the client to attend, even if the client's presence was not required. We should provide the client with extensive documentation, such as copies of correspondence with the other side—where appropriate, and

unless it was very sensitive—just so the client could see the magnitude of the effort we were expending.

The problem with this kind of simplistic approach is that it does not take into consideration the idiosyncrasies of different clients. After this seminar, I began to send one very significant client every piece of paper I could find that was relevant to the case. Several months later, the client told me in no uncertain terms that he was aghast that we would spend so much money to send him documents he did not need to read. I was more than a little surprised to have followed the suggestions of a client-satisfaction seminar, only to have one of my best clients tell me that what I had learned was nonsense.

Our communications must be customized to each individual client. We must get to know each client and get to know the communications needs of that client.

Consider the Client

You should always consider the impact of your communication methods on the potential perceptions of your clients. In some countries, for example, it is still the practice to screen telephone calls—and some people have good and valid reasons for doing so. They say that knowing who is on the other end of the line allows them to get their thoughts together, perhaps to get the file open on their desk before they begin the conversation. If you do screen calls, ensure that your client is left with no hard feelings as a result. If, for example, your secretary asks who is calling *before* telling your client that you are or are not available, you have just potentially offended your client. If your secretary says you are not available *after* learning who is on the line, your client will suspect—even though it may not be true—that you were available until you learned the identity of the caller. It is wise to consider potential client perceptions when determining all of your standard methods of communication.

Tailor Your Approach

As was the case in managing client expectations, one foolproof way of assessing individual client communication needs is to give the client

options. Say to him or her, “These are the options available to us in terms of our communications in this matter. We could do A or we could do B. We can involve you in C or we can involve you in D. We can give you these means of communicating with us or those.” Let the client choose.

In building client rapport and refining individual communications, it is also important to provide clients with opportunities for feedback. It is extremely valuable to ask your client from time to time such questions as, “Are we keeping you well informed?” “How are our communications with you?” “Are you experiencing any frustrations in communicating with us?” and even, “Are any of the people with whom you work having any frustrations with our firm that they are reporting to you?”

When you receive responses from your clients to these questions, act on them.

Get the Magic Touch

By constantly giving the client good choices in how you will communicate with them, listening to their preferences and acting accordingly, and getting feedback on an ongoing basis, you will begin to build an exemplary kind of relationship with your clients. You will become one of those lawyers who for some “magical” and “mystical” reason clients happen to like. You will become one of those lawyers to whom clients are likely to send referrals. Furthermore, you will have less stress in your practice.

Try it.