



Communicating with your Client

Communication between lawyers and clients is of great importance. When clients do complain it is more often about poor communication or lack of courtesy than about the technical aspects of legal work. This fact sheet provides guidance on how to communicate effectively with your client.

Communicating effectively

Lawyers, like other professionals, are expected to be effective communicators. The Commission regularly receives complaints about lawyers that could have easily been avoided if the lawyer had communicated more effectively and/or courteously with the complainant, in most cases their client.

Effective communication is a two-way process and it is useful to be aware of some common communication barriers that lawyers may put up, such as:

Communication Barriers

- o failing to direct conversations to a required outcome in a timely manner
- o taking their knowledge and the client's for granted
- o delegating activities to other individuals within the firm without informing clients
- o forgetting to provide the client with feedback and regular updates.

Effective communication skills include:

- o clarifying expectations both verbally and in writing on case commencement
- o continuing to keep the client informed throughout the legal matter
- o communicating professionally in writing to the client and other professionals.

Clarifying expectations

The Commission often receives complaints by clients who feel inadequately informed of the progress of their matter or who feel that what actually happened in their case was very different from what they felt they were led to expect.

In the Commission's experience, a client invariably wants answers to the following questions (both at the outset, and at regular intervals along the way):

- o What are my options?
- o What are my chances?
- o What will it cost?
- o What is the process?
- o How long will it take?

It is imperative to understand what outcomes the client believes can be delivered as well as their expectations. It is also imperative the client understands what expectations their lawyer may have of them, and what they will be required to do to ensure their matter progresses satisfactorily. Once a common understanding is reached a strong communication relationship can begin.

Important:

A key to the continuing success of this type of relationship is to establish clear, regular communications and provide timely updates and feedback.

All lawyers will be aware that costs disclosure is required for any matter where fees will exceed \$1500.00 The client agreement provides a basis for communication, and agreement on a number of aspects of the client's matter, but should never be relied upon as the only or main means of communication. There needs to be regular communication at appropriate intervals as the matter progresses.

The objective of regular client communication throughout the matter is to ensure the client:

- receives essential information
- is able to follow and understand the progress being made with their matter
- is aware of and agrees to potential costs associated with their lawyer's services.

Direct discussion to support written communication is always wise – particularly for complex or critical matters – to confirm both parties have a common understanding of what has been written. Clients can also put up barriers to effective communication (see Fact Sheet 1 Communicating with your lawyer.)

Keeping the client informed: A Checklist

The following 'best practice' checklist provides communication recommendations specifically for lawyers interacting with clients:

- ✓ Keep up regular communication with clients – notify them of any developments and updates to progress.
- ✓ Make every effort to explain things clearly. Legal terms and processes that are common to lawyers but foreign to most clients may need to be explained. Seek feedback that demonstrates clients have understood key terms or processes.
- ✓ Establish practice management systems that enable efficient procedural responses to queries and complaints.
- ✓ Keep all matters confidential and refuse to act for anyone else if doing so may compromise that confidentiality.
- ✓ Provide an itemised bill clearly showing the work performed and amount charged.

Effective communication also involves being considerate of a client's concerns and priorities and practising good management and administration. This will minimise complaints and support a case if a complaint is made.

Communicating in writing

Throughout the matter there will be much written communication. Communicating in writing is an important professional skill. Good written communication is recognised by clear, actionable information and messages. A clear style should be used for both client communication and for communication with other lawyers and professionals involved in your case. Essential information should never be allowed to become lost in the fine print.

More Information

If you have any questions or require further information, please contact the Legal Services Commission or the legal officer responsible for your complaint on:

Telephone: **07 3564 7726** (Brisbane)
1300 655 754 (outside Brisbane)
133 677 (if you require the use of the National Relay Service)
131 450 (if you require a translator/interpreter)

For more information visit the Legal Services Commission website (www.lsc.qld.gov.au).