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### **FIVE THINGS LAWYERS HATE TO HEAR CLIENTS SAY**

*by*

***Gerry Riskin***

***Chairman, Edge International***

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TheRemsenGroup

1020 Rosedale Road - Atlanta, GA - 30306  
404.885.9100 - [www.TheRemsenGroup.com](http://www.TheRemsenGroup.com)

## FIVE THINGS LAWYERS HATE TO HEAR CLIENTS SAY

By Gerry Riskin



In situations involving you and your client, the adversarial system is your worst enemy. The only win is a long-term client relationship that is sustainable, and a short-term victory gained by your legal swordsmanship almost guarantees a failure on that score. Although certain things clients say are sure to get your dander up, I respectfully suggest you put the sword away and try a response designed to maintain the relationship.

### Resist the impulse to parry and thrust.

Below are five examples of conversations most likely to test your client relationship skills, along with possible responses. Of course, I offer these possibilities assuming you always offer unsurpassed quality, give solid value for your fee, really care about your client and are prepared to provide excellent service. The options are meant to be catalysts to help you think through responses in your own natural style and language — these are not scripts.

1. **Asking for the retainer.** When you ask for a retainer, your client might say something like: “Why am I being asked to pay in advance — don’t you trust me?”

**Possible response:** “Of course, I trust you — if I didn’t, my firm would not represent you. Be assured that you are not paying in advance — in fact, you are paying as the work is being done. The retainer allows my firm to draw funds as they are used. As long as you remain in step with what we’ve requested, I can assure you it will be fair to both of us. Would it be more convenient to provide the \$5,000 today, or would you prefer to provide \$2,500 today and \$2,500 more by a week Friday?”

Be aware that your client may say: “I am short of funds right now.” In this case, the possible response is: “Let’s establish a pace for your file that your resources allow.” Where this is not practical, you might use an alternate response, such as: “Our law firm is not equipped to lend you money for your legal work, but we can certainly help you explore options to borrow what you need.”

2. **Delegating work to someone else.** When delegating to another lawyer in your firm, your client might say something like: “I don’t want anyone else working on my files.”

**Possible response:** “Why?” (Wait for answer, and get the real reason if you can. Typically, your clients will be afraid that you will not be personally involved and that they will lose your caring concern ... or that someone else may not have your intelligence and skill. By finding out the real reasons, your response can address them specifically.) Then you might say: “I can assure you that I will take personal responsibility for your satisfaction. I will know how this matter is unfolding at all times and will step in if I

think it is necessary. You are welcome to contact me at any time if you have any concerns.”

3. **Proposing additional work.** When proposing work your client needs (let’s say drafting a policy manual or doing some risk prevention training), your client might say something like: “Our people can ill afford the time that would be required.”

**Possible response:** “If you still feel that way once we make our initial report, then let’s leave it there. We will only move beyond that point if you decide some aspect of this is a priority for you — is that fair?”

4. **The bill is greater than expected.** When fees exceed the estimate, your client might say something like: “I’m a good client, surely I deserve a break.”

**Possible response:** “You deserve the very best our firm has to offer and rest assured we will always ensure you get it. As I mentioned, I have gone over the file with a fine-toothed comb and eliminated any time where the value to you might have been questionable. I have also determined that the reason we exceeded the original estimate is based on circumstances that neither you nor we could have anticipated. Finally, we brought this to your attention the moment it came to ours. I can tell you that our proposed invoice is fair and represents strong value for you. If you disagree, it is important for me to understand why so I can either explain it or compromise if necessary in order to ensure that you are completely satisfied.”

5. **A complaining client.** When delivering a complaint, your client might say something like: “I’m very unsatisfied and frustrated....”

**Possible response:** “Tell me about it — in full, if you would, please.” (Do not react until you have it all. Ask as many questions as it takes. Often it’s not so much about the specific solution as much as how you reach it. By demonstrating that you are a great listener and you care deeply, you will be the beneficiary of reduced tension, stress and anxiety on the part of your client. And they will be much more receptive to exploring reasonable solutions.)

Then you can say: “I’m glad you took the time to fully explain this to me. I have a couple of thoughts about how we might make this right for you, but before I tell you what I have in mind, did you have any thoughts on a solution?” (If your client has no such ideas, proceed. But if your client does have an idea, you will be much more successful if you can weave that idea into a jointly conceived solution.)

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