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# I am the business...

## Maintaining the personal touch in personal injury through regular client contact


Cooper

By Miles B. Cooper

"And John Doe called. He said it had been a while since he had checked in and wanted an update." The lawyer and legal assistant were doing the daily review.

"Let's pull up the calendar … wow. With this week's depo schedule it is going to be hard to find time this week. Can you see if John is okay talking next week and if not, ask him if an evening slot is okay. Thanks much – I'm headed for the train." Litigation life, lived out of a messenger bag …

### Being human

There's a lot of discussion centered on humanity in our business these days, and it is fantastic. We are people telling stories about terrible things happening to people. Those receiving those stories, the decision makers? Also people. Our field is visceral in a way few other businesses approach, with the exception of health care and emergency responders. And it is a business. We can't achieve justice for our client if we can't pay the bills.

But for a client it does not feel like a business. It is an altered life, it is foreign, and it is frightening. Remember that first court appearance you made after you were sworn in? No matter how minor or simple, there was that trepidation, that thin film of sweat between your skin and your clothes. Or perhaps that was just what happened for me …

Regardless, our day-in, day-out existence in a world filled with argument, pleading papers, and stress can dull our realization of just how foreign the experience can be. There are some ways to help make it less uncomfortable for our clients.

### A preview of coming attractions

If someone told you that tomorrow you were going to an event where you'd be asked to make decisions that might affect the rest of your life, your stress level would likely shoot up. But if someone told you that a year or two from now there will likely be something called a mediation, and here's a short summary of what it is, the seed would have been planted. If there were regular reminders of the significant milestones, what they were, and when they would be coming, your comfort level would go up significantly.

Introduce these topics early in the process. Tell the client that you are providing a lot of information early on, that you don't expect them to process all the information now, and that you expect questions. Encourage them to reach out when questions arise. We tell clients that it is our job to carry their stress, and that by answering their questions when they occur, we can reduce their concerns.

### Set the next session

The most common complaint clients make about lawyers is that they are not responsive. The issue typically unfolds when a client asks for an update and it takes a while for the lawyer to respond. There's a simple way to solve this. Keep the client informed with scheduled updates. At the conclusion of a client contact, figure out approximately how much time it will take before something will happen in the case. Early on that could be the client's health updates. Later it could be a report on how some of the key depositions went.

Estimate how long it will take before an update should occur and then set the date, time, and method for the communication. It may need to be reset but it sets the next point of contact. That gives the client some certainty about when information will next arrive. It also provides a reminder and a deadline for the lawyer to make progress.

### Care

At that next session (and with every contact for that matter) start by asking how the client is doing. Not the routine "hey, how are ya?" But a deep listening ask – "how is your recovery going?" If you forget to ask at the beginning – and this happens when a lawyer wants specific information or is in a rush – apologize for not asking and then get the update. It is surprising what you can learn when you ask this question.

Remember to maintain balance, however. It is important to understand and connect with the people we represent. But on occasion, clients can start turning their counsel into counselors. If that starts to occur, be direct. Be there for the client but direct them to a professional if information sessions start feeling like therapy sessions.

### Outro

Back to our lawyer and client update. The lawyer spoke with the client. During the call, the lawyer told the client they were starting a new procedure, that being, picking the time for the next update at the conclusion of the last one. "It may be that the news then is no news. That said, at the very least I'll be able to get an update from you." The client was thrilled, and they selected a time about 45 days out to talk again.

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