

Chapter 7: Communication with External and Internal Clients



7.1 Introduction



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7.1 Introduction

Through this coursebook, communication skills have been highlighted as being extremely important.

Most lawyers pride themselves on their communication skills, in both written and verbal form. It does not matter if you know the law; if you cannot communicate with clients, lawyers, judges and other professionals, you will not be successful.



In this chapter, we will carry on discussing internal and external clients, before moving our focus to specific communication skills and methods.

CONTINUE

7.2 Communication with internal and external clients

As discussed in Chapter 6, there are a number of different relationships that exist in the legal environment for the legal professional to learn to navigate.

External:

- Consumer client
- Counsel
- Immigration officers
- Mediators
- Cost lawyers
- Insurance companies
- Local Government bodies

Internal:

- Accounts teams
- Human Resources
- Marketing
- New business
- Administrations teams
- Technical support
- Project management



Reflect

Can you think of any other internal clients that exist within your own legal environment and how their role contributes to the overall service delivery?

Internal client service standards

Client service standards within a business can differ significantly from external standards that are more often than not, the standards set by the regulator. Internal standards will be heavily influenced by the external standards as these are the overriding principles of the business, but the wording and service level will be specific to the department.

There are benefits to internal client relationships, including:

- 1 A common goal, all parties in the relationship understand the ethos of the business and collaborate to achieve it.
- 2 Better understanding of internal process.
- 3 Greater opportunity for knowledge sharing.
- 4 They may even be located closely together, enabling issues to be resolved quicker.

There are also pitfalls or barriers that affect internal relationships. These can develop out of familiarity, leading to the internal client becoming the least urgent client.

There may be complacency or a temptation to correspond with internal departments in a more casual or familiar manner, or a lawyer may not apply the department standards to avoid a challenging conversation. Email, letter or telephone correspondence may not meet a required standard. Face to face may be overly social or avoided altogether, creating the risk of missing business objectives or regulatory requirements. It is important to remember that correspondence between departments must achieve the standards implemented by the business to improve client experience. Standards or charters will centre around response times or service level agreements for actions.



Examples being the time that it takes for a cashier to transact a payment or how often supervision takes place between a senior fee earner and a trainee or the time it takes for a member of a business support team to respond with reports.

However the standards are implemented, they are all designed to support the business, to support the client and achieve external regulatory requirements. The process becomes the inverted customer triangle (illustrated in Chapter 6) with the client at the top and everyone else supporting the department above to achieve successful outcomes for the client and the business, these being a fair and robust process, outstanding reputation and ethical profit. The standards set out the department goals and objectives and how success is measured. To those external to the department, there is clarity and structure as to what they can expect.

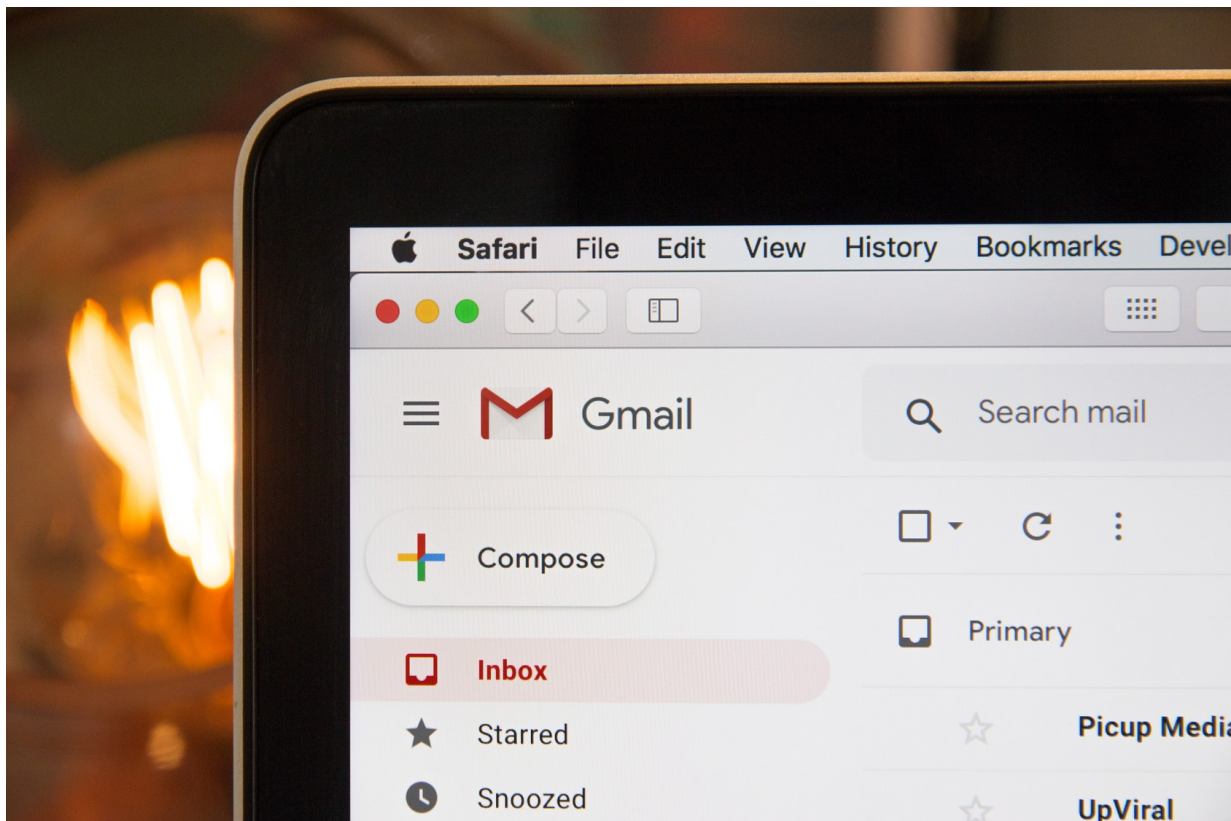
Communicating with the External Client

When communicating with the external client, the same expected levels of client care requirements that exist within the client-lawyer relationship, continue. Communication with external clients should not be treated any differently and it is important to note that all information contained within external and internal client transactions are governed by the Code of Conduct and the Data Protection Act.

It is important to note that all attendance notes should be factual, not elaborately written and not contain any opinion that the fee earner is not happy to advise the client. It should not be defamatory or unfair in any way. The client is entitled to make a Subject Access Request (SAR) at any time, however, experience dictates that an SAR often forms part of a complaint made. The client is entitled to view all information held on them.

Corresponding whether by email, post, telephone or face to face, the lawyer must use appropriate greetings and maintain professional conduct throughout.

This includes remaining diplomatic, providing clear and succinct information and responding clearly and appropriately to questions.



When recording the event, make accurate notes, agree a plan for the next steps and ensure good factual attendance notes are made. It is necessary to prepare for communication with an external client in the same manner as you prepare for a communication in your client-lawyer relationship.

Appropriate methods depend on the type of communication taking place. Externally communication takes place by:

- Letters
- Email
- Telephone
- Direct mail

- Portals
- Video calling

Internal methods of communication differ in that they are more likely to be discussed in a team setting or accessed by an internal intranet system. Internal communication will take the form of:

- Notices
- Reports
- Memos
- Face to face
- Email
- Team briefings
- Presentations

External client communications may or may not fall under the regulation umbrella. In transactions within the client-lawyer relationship, both CILEX and the SRA set out specific rules to adhere to. The rules ensure the client has means of redress if they are unhappy, the level of service they can expect to receive, the level of competence the lawyer works within and reassurances that the client will be treated fairly with their interests protected. Barriers that affect the relationship occur when client care rules are not met or may be physical.

For example:

- 1 The client is not regularly updated.
- 2 The client is not advised of fees.
- 3 There are unnecessary delays and no explanation provided.
- 4 There is an inconsistent individual fee earner approach to service.
- 5 Frequent change of fee earner.
- 6 The client is not able to complain and expect a fair outcome.
- 7 The fee earner becomes defensive and may be combative.

Physical issues that occur are:

- 1 Language barriers.
 - 2 A client does not use email/telephone.
 - 3 Poor interview skills.
 - 4 Rushed or untimely interactions.
 - 5 Technical failures.
-

6

Legal jargon - firms are obliged to provide the client with as little jargon free communication as possible, this not only includes in the terms of business but also with their lawyer.

Outside of the client-lawyer relationship, other external client communications will be guided by the firm's standards of service with timescales, reporting and communication methods agreed as part of client relationship management.

Whilst these communications may be less formal or be very specific to the task e.g., a medical report will be filled with difficult technical language, they are no less important and as highlighted earlier, should be prepared for in the same way that a lawyer prepares for a client-lawyer interaction.



Complete the content above before moving on.

7.3 Communication skills

Verbal communication

Verbal communication is using spoken language to deliver a message. This can be carried out face-to-face in person, by talking using the telephone or through use of digital technology such as mobile video calling or Voice Over Internet Protocol (VOIP), for example, Microsoft Teams.

When using verbal communication, tone of voice is important. Listeners will be influenced by a tone of voice which is:

- appropriate to the nature of the conversation;
- modulated so that there is gentle but obvious variation in tone;
- free from filler words, for example, “like”, “you know” or “right?”;
- controlled, so that the speaker does not end every sentence with a question mark.

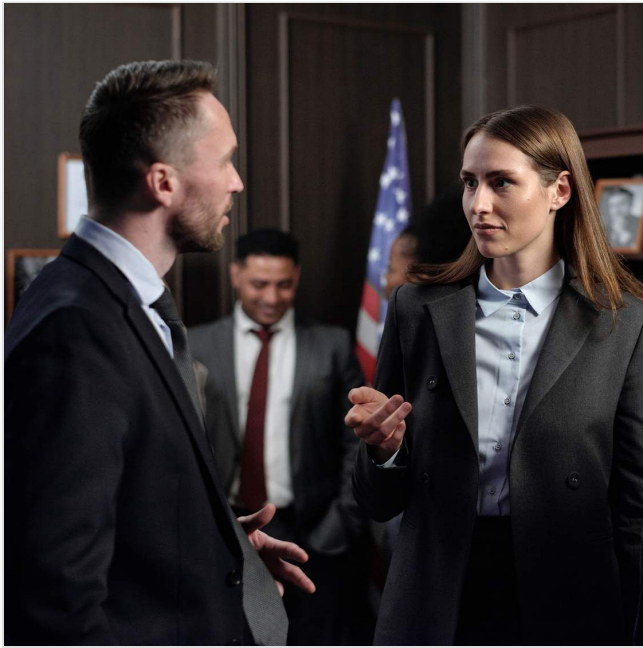
Techniques for speaking effectively include:

- facing the person you are addressing and taking care about looking away for too long, as this will distract the listener;
- keeping your head up so that your voice can project;
- speaking clearly, taking time to enunciate each word;
- preventing your voice from dropping away at the end of a sentence by taking natural breaths;
- varying your speed according to the topic and the needs of your client;
- adjusting your tone.

Non-verbal communication

Non-verbal communication, which is sometimes referred to as body language, is the way that we send wordless messages through our body or voice. These signals may reinforce words that are being spoken or may be silent communicators of thoughts or feelings.

Non-verbal communication signals include:



Eye contact



Body posture



Head position



**Use of hands and arms
(e.g. folding arms or
pointing a finger)**



Facial expression

Facial expressions are particularly powerful and a high percentage of our interpretation of a person's thoughts and feelings can come from observing:

- mouth shape and position;
- eyebrow lifting or lowering;
- eye movements;
- chin height;
- head angle.





In addition to these physical elements, another facet of non-verbal communication relates to the way that spoken communications are delivered, including:

- pitch of voice;
- emotions within the voice;
- speed of speech;
- emphasis which the speaker gives to certain words, which implies importance.

These features are commonly known as “**paralanguage**”, which is a way of describing the influence that these factors have on the way that a speaker’s words are interpreted by the listener.

Listening skills

In the meeting room with a client in front of you, your natural instinct may well be to talk, start asking questions and tell the client what they need to know. There are a number of dangers which are easy to fall into:

- The client will become frustrated if they are not given the opportunity to tell their story.
- The client may find it harder to explain the problem if there is not enough space left in the conversation.
- You may make inaccurate assumptions about the issue which are based on what you have said rather than what the client has said.

It is important that listening is active. When we demonstrate a concentrated form of attention, we will show the speaker that we are doing this by providing a range of non-verbal signals.

Although signals vary from person to person, **indicators of deep/active listening** can include:

- making little “mmm” sounds;
- slow head nods;
- placing our head on one side;
- making prolonged eye contact;

- smiling or matching the speaker's facial expression;
- leaning forward;
- keeping our hands and body still.



In addition to these non-verbal behaviours, active listening will also involve:

- clarifying key points using checking questions to ensure that you have understood;
- summarising by neutrally reflecting some of the key points that have been heard.

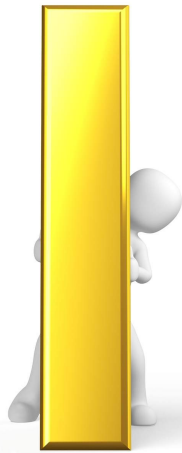
It's also important to **know when to be silent**. The ability to listen silently and without interrupting may not always feel natural, although it is a skill that can be learnt. Silence can also be useful as a way of encouraging a client to provide more information. This involves listening to an answer and then leaving a silence as though you were expecting more. Be aware that overuse of silence may appear aggressive, so all things in moderation.

A useful way of remembering some of the key skills of listening, is the mnemonic **LISTEN**.

Select each letter to learn more.



Let the person finish
before interrupting.



Inquire using checking questions.



Summarise.



Test your understanding.



Evaluate the “whole”
message.



Nutralise inner feelings.



Complete the content above before moving on.

7.4 Client interviews

A common situation where you will be speaking to a client is in the client interview.

The client interview is an opportunity for the client to meet their lawyer and decide if they wish to place the case in their hands, an opportunity to ask questions and to receive advice.

For the lawyer, an interview is an opportunity to receive information, ask questions and engage the client.

First interviews are extremely important and can set the tone for the whole of the client-lawyer relationship.

Preparing for the interview



The interview should be in private and the client should not be able to be overheard by others nearby. The interview should not be interrupted by the telephone or others entering the room. It should last a sufficient length of time to take instructions properly, give considered advice and to give the client the lawyer's full attention.

The lawyer should prepare for the interview too. For the first interview, it is important not to pre-judge what the client's problem may be – it often takes time for a client to disclose their problem, particularly in more sensitive cases. In later meetings, you are likely to have an agenda and will know what the discussion is to be about, but always be prepared for the client to disclose new problems or to have fresh concerns.

You should ensure that your office is prepared for the interview by making sure that you have a ready supply of:

- pens and paper;
- funding forms;
- court forms in case of a need to make an urgent application;
- standard forms, for example, file checklists;
- business cards.



If the meeting is taking place online, it is important to prepare to make sure that you are confident using the software, including sharing screens. It is good practice to use an anonymous background, rather than a view of your room, and to encourage the client to do the same, particularly if there are children in the house.

If your client consents, it is also helpful, particularly with complicated discussions, to **record the interview**. Note, however, the importance of obtaining consent from the client and ensuring the requirements of the EU General Data Protection Regulation (GDPR) are complied with.

The start of the meeting

Welcome your client. This early stage is often described as “meet, seat and greet” in that the client is met by the lawyer and taken to the interview room, offered a seat and formal introductions are made. It is extremely important to be friendly and informal and to put the client at ease.

Your non-verbal communication will be important here.

Select each icon for some useful tips.





Have you made eye contact with the client? Did you smile and appear friendly?



Be confident (even if you don't feel it) but remain approachable, sympathetic and friendly.



Speak naturally and sincerely – this becomes easier with practice. Avoid the temptation to play the “role” of a lawyer.



Avoid the situation where you are behind a desk and the client is facing you. A better, more natural arrangement is to sit around a table.

Asking for information

The next phase of the interview is to **gain information from the client**. In an ideal world, the client would tell their lawyer everything they needed to know and have all the documents relevant to the case.

Clients are often distressed when they come to the first interview or are nervous, disorganised or in a hurry. There are a number of strategies for eliciting information.



It is important that you communicate effectively with the client and use language that your client fully understands and that you feel comfortable using.

One tip for gauging your client's comprehension of language is by inviting them to explain why they have come to see you, in their own terms. Listening carefully to their response, and mirroring their use of language throughout the interview, will maximise the effectiveness of your communication with the client.

Some clients will talk all day and some will take some prompting. Aim to establish a free-flowing conversation rather than starting to ask questions immediately.

If a client is not forthcoming:

- Use open questions: “why, who, where, how, when” in a question will produce a more expansive answer than a question that can be answered with a “yes” or “no”.
- Summarise your client’s instructions and ask them to add any further information;.
- Invite the client to talk about a particular topic: “Is there anything else you would like to add?”, “Please tell me about . . .”, “Please go on.”
- Be an active listener.

There are some off-putting interview styles for clients. Avoid asking multiple questions, for example, “What time did the accident happen? Where were you standing? Did anyone witness this?” as the client will not know which to answer and may become confused.

Leading questions are inadvisable as they will not necessarily elicit the truth but rather what the client thinks that the lawyer wishes to hear, for example, “After the assault, did you feel too frightened to go home?” or “You wouldn’t want to return home after that, would you?”

Don’t be afraid of silence.

A client may need time to think or, if they are distressed, to collect themselves. Avoid the temptation to jump in with questions or comments and allow a short period of silence.

Try to avoid closed questions at the beginning of the interview. A closed question will only elicit a "yes" or "no" answer or a short response. Closed questions can be used later in the interview to clarify points with the client, for example, "Was it Mr Smith or Ms Grey who helped you to your feet?" or "In which court was the divorce petition issued?"

Funnelling

One commonly used questioning technique is “funnelling”.

Step 2

The idea of “funnelling” is to ask the client an **open question** to start the discussion and, as the client tells their story, **listen carefully**.

Step 3

Once the basic story has been obtained, the interviewer can **ask questions** which set the story in context and use “why, who, where, how, when” in order to do so.

Step 4

Once the context is clear, the interviewer can ask questions to elicit exactly how the events unfolded and clarify any unclear points using “how” and “why” as a starting point.

Step 5

Finally, **closed questions** can be used to clarify or check any final details.

This funnelling process can be repeated to cover a number of topics if necessary.

Many firms use **checklists** to ensure that all relevant information is covered in interview. Checklists are a very useful tool but should not dominate the interview; clients will not appreciate a “tick box” approach to their case and interviewers must avoid this temptation.



Complete the content above before moving on.

7.5 Legal writing skills

Writing is one of the main ways in which a business communicates with its clients and the popularity of email has meant that many of us are relying more on this as a method of communication.

There are multiple reasons for placing information into text, which include:

- to meet legal requirements;
- as a permanent record;
- to provide a client with information they can review at a later date;
- to clarify an issue;
- to explain a complex piece of information clearly.

Legal writing touches upon the professionalism of a lawyer and poor legal writing reflects badly on professionalism. Law firms also expect a **high standard of written communication** from their employees.

Good legal writing comprises a number of elements:

- correct grammar, spelling and punctuation;
- clarity of expression and explanation;

- a concise and succinct style;
- the correct tone for the purpose of the communication and its intended audience;
- a clear, logical structure.

Using precedents

It is common for law firms to use precedent documents. A precedent is a **template** created by someone else that can be adapted to fit the situation you have before you, instead of you having to draft the entire document. This should not be confused with case law precedent, whereby courts follow the decisions in previous cases! Precedents may have been written from someone within your firm, or it may have been purchased from a legal publisher.

The benefits of using precedent documents is that it saves you time and will include the standard clauses/phrases that should go into that type of document. For some documents there may be statutory or other requirements as to the form of the document, and you can be reasonably confident that an often used precedent document will include these. However, it is only a starting point. You must make sure that the document meets your client's needs. You will lose the benefits of the precedent document if the document you draft is incomprehensive and poorly drafted.

Attendance notes

Following client interviews and meetings, it is important that you keep a record of what the client said and what the lawyer advised and agreed to do.

No attendance note or one that does not give a true record of what was said can lead to the following consequences.

- 1 You may have the embarrassing task of phoning the client to ask about some details which you need.
- 2 Your client may have asked for something to be done which you do not realise has not been done until it is too late.
- 3 You may spend time carrying out work which the client did not agree to. You may then not be able to charge for your time.
- 4 You and your firm may be subject to a claim for professional negligence because you cannot prove that you gave the client appropriate advice.
- 5 You may manage to retrieve the situation with the client but your relationship continues to be difficult and there are future disputes, especially when your bill is submitted.

Taking notes

Sitting in on someone else's client interview or meeting —

You may be asked to sit in on another fee-earner's interview or meeting. Here, you have a chance to meet the client and enable the fee-earner to concentrate on managing the interview. The

advantage of this is, of course, that you are able to focus on recording what was said without having to pose the questions to the client or give advice. You may have the following difficulties to overcome:

- the fee-earner or the client may talk too fast for you to keep up;
- you may not have enough knowledge of the area of legal practice at this stage to understand all the implications of the fee-earner's advice and the point of their questions. This makes it harder to identify what is important information;
- the client may be very sociable and want to involve you in the conversation.

There are a number of things you can do to deal with these problems:

- you have to develop the speed at which you take notes. Remember, the notes have to be readable by one person only – you. If you are struggling to keep up, the fee-earner should slow the discussion down;
- it is always useful to discuss with the interviewer beforehand who the client is and what the fee-earner understands will be discussed;
- during the interview, try and take your cue from the fee-earner if the client starts to involve you in the conversation. You should always be polite and friendly but do not start giving advice yourself and let the fee-earner steer the conversation back to what is relevant. The client should have no doubt that the fee-earner is in charge;
- as soon as possible after the interview discuss your impressions with the fee-earner and ask any questions;
- add any notes which the fee-earner has made themselves to your own before you start to draft the attendance note.

Taking notes as you carry out the interview yourself —

If you have planned the interview carefully, you will expect to be able to discuss the facts and issues in a logical and straightforward way. The interview will progress smoothly at an even pace and taking notes will be easy. Unfortunately, even the best interviewer will sometimes face difficulties keeping to their plan.

There are several key things to do in these circumstances:

- write down relevant information as soon as it is given. If you have time, draw arrows linking the information to other associated details;
- if you are not sure whether something is relevant or not, write it down anyway;

- try not to let the note taking distract the client – ensure that you maintain eye contact and empathy;
- do not be afraid to stop and ask the client to clarify details – remember to make sure you spell names and addresses correctly. For example, if the name given is “Carol Stephens” it could be spelled “Carole Stevens” or even “Karel Stephens”;
- take particular care that you record what your advice is and what has been agreed will be done next by you and the client.

Using a checklist —

Your firm may well have standard checklists which you are expected to use in certain types of interview. Even if it does not, individual fee-earners are likely to have their own versions. The advantages of checklists are:

- they enable you to ensure that all the standard information is covered in the interview and recorded;
- they enable you to ensure that all the standard information is covered in the interview and recorded;
- a completed checklist will be very helpful as you prepare a detailed attendance note.

Using checklists also carries some risks.

- Mechanically working your way through a checklist risks alienating the client who may not understand the significance of your questions or who may be burning to get to the heart of their problems.
- Some questions on a checklist may be clearly irrelevant for this particular client by the time you reach them. Detailed questions designed to assist in inheritance tax planning will be a waste of time if earlier questions have shown you that your client has an estate which is far too small to be affected by the tax.
- Do not ask questions following a checklist if you cannot explain why the information may be helpful for this client.
- Clients always like to feel that their circumstances are unique or at least sufficiently distinctive to be treated individually. Reading out checklist questions without making an effort to make the discussion personal risks making the client feel you are simply processing them rather than listening to their story. Clients who feel cherished are more likely to pay their bills!

- The wording of questions on a checklist may use vocabulary which is too complex or, sometimes, too unsophisticated for the particular client in front of you. If you are unprepared to paraphrase or vary a question, you risk confusing some clients and patronising others.

Draft the attendance note

Do not delay!

As soon as possible after the interview, you should draft or dictate your attendance note. If you wait, you will forget what you heard. Even the most detailed notes are best supplemented by your own memory. You will usually find that preparing the attendance note will be easier and quicker if you can prepare it soon afterwards.

Read the notes

Read through your notes (and those of any other fee-earner who was in the meeting) and try to identify a logical pattern. If you have used a well-drafted checklist in the interview, you may find this to be fairly easy. In a more wide-ranging interview pieces of information which are associated may have been recorded in different parts of your notes. It is often helpful to mark up the notes linking the information, for example, by using arrows.

Organise the material

Where the interview was wide ranging, try numbering the paragraphs of your notes in a logical order. As you do this, start thinking which bit of information will most logically be needed first. For instance, after an interview taking instructions to draft a will, the main task is, of course, preparing the will. Wills usually follow a standard pattern starting with the executors (who are responsible for sorting out the deceased's affairs). Your attendance note should place the intended executors' names and addresses at or near the beginning even if the client was not sure during the start of the discussion and only made up their mind at the end of the interview.

Use headings and paragraphs

If you prepare an attendance note which is simply a stream of recollections (an easy trap to fall into if you are dictating it for someone else to type), the attendance note will be hard to read and confusing. Headings and paragraphs will make it easier to organise the material.

Exclude what is irrelevant or contradictory

When interviewing a personal injury client you may, for example, find that the initial categorical statement of the client about the circumstances of the accident "I was never told I had to keep the guard up on the welding machine" upon further questioning turns into "Well I suppose the foreman did show me how to use the machine with the guard and tell me always to do so when I started six years ago, but none of my mates bother now – it just slows things up". Recording

both statements in the attendance note will not be helpful and may simply confuse things later on – only record the later one.

Record the legal advice given

Take extra care in recording precisely the legal advice given during the interview. If this is omitted or inaccurately recorded, your firm may subsequently face a completely unfair professional negligence claim with no effective defence.

Follow conventions

Follow your firm's conventions when drafting your attendance note. For example, fee-earners may be referred to normally by their initials in attendance notes. Remember that other fee-earners, including the partners, may well read your attendance notes and will expect them to follow the firm's normal style.

Be precise in describing what is said about legal costs

If a quote or estimate is given, ensure that you state whether or not it includes VAT. It is important to record any provisos or qualification to the advice on costs, for example, that a conveyancing quote will be reviewed if unexpected complications arise.

Explain next steps

Spell out clearly the next steps to be taken by you and by the client including any statements as to when they will be carried out. This information will be vital when you next review the file.

Record the time you spent on the interview and attendance note

This will always be useful if your bill is challenged subsequently.

Matter creation forms

These important forms must be completed as soon as the initial instructions have been received. Some of the information may have been supplied on a pre-interview checklist. The attendance note for the initial meeting may also record some of this information. The forms will vary in design according to your firm's procedures but will require you to

complete accurately names, addresses, phone numbers, email addresses, etc. This information may well be used to set up the client's entry on the firm's computerised database. It is vital to **record the details accurately** taking particular care with numbers and the name and address of the client.

Please note the following important points.

Names of client —

Include all of the client's names and make sure they are spelled correctly. This is important for the purpose of preventing money-laundering.

Preferred contact method —

Clients may have expressed a preference for a particular contact number to be used or not used. They will be upset if their instructions are not followed. In family cases, in particular, a client seeking legal advice in relation to domestic violence may still be living in the same house as their spouse and may risk further injury if the spouse unexpectedly takes a message.

Case type —

This is usually as simple as, for example, "personal injury claim", "domestic conveyancing", "matrimonial", etc. Some forms will give a list of standard categories and you will be required to tick the relevant box.

ID type —

This refers to the passport etc. which needs to be shown to the firm for money-laundering purposes. If the documentation has not been presented at the initial interview, the form must clearly indicate this fact by using "not yet presented" or the wording preferred within your firm. This

highlights the fact that the client must still prove their identity before the firm can proceed with the case.

Names of opponent(s) or other parties to the transaction —

Example - the person from whom your client is buying a house – include full names. Simply referring to “Mr Smith” will not enable you to check accurately on your firm’s database whether or not the opponent is already a client. This is important because there would then be a risk of a conflict of interest not being identified at the beginning of the transaction.

Mode of address for letters —

This means what should follow “Dear” at the beginning of the actual letter. This is an important convention to get right because it helps to set the tone of the rest of the letter.

Mode of address for envelopes —

This simply means how the client’s name is referred to on address labels, for example, “Ms K Leung”, “Dr G Williams”, “Mrs N Feng”. The client’s name should be referred to in the same way at the top of addresses in letters.

Marketing info —

Do not forget to include any information you may have on why a new client has come to the firm. If someone has been referred to you by another client or contact (such as an accountant), a partner might wish to thank him personally. Sometimes, new clients come to a firm in response to a particular advertising campaign – recording this sort of information accurately and consistently helps the firm to judge whether or not the advertising was financially worthwhile.



Client care letters

The CILEX Code of Conduct Principle 5 (specifically 5.7 to 5.11) requires you to provide certain information to your client. Firms have developed the use of an **introductory letter** known as a “client care letter” as a way of providing required information.

The client care letter must include the name, status and contact details of the person:

- dealing with the “case” and
- supervising the case.

The letter must provide clear information about the:

- key facts the client has told you about their case

- legal advice you gave the client at your meeting and any additional advice now available
- timescales and next steps you will take
- actions the client needs to take
- likely outcome of the case estimated costs, VAT and payments to third parties (disbursements)
- firm's complaints procedure including the client's right to refer a complaint to the Legal Ombudsman or CILEX Regulation where appropriate
- the firm's standard terms and conditions

Two copies of the firm's standard terms and conditions will usually be sent with the client care letter. The client will be asked to sign one copy and return it to the firm.

Style of client care letter

Note the following specific issues to be covered in client care letters.

Starting the letter

The client care letter is the first letter your client receives from you. It is your opportunity to build on your friendly, but business-like, meeting with them.

Write in the first person, using "I" rather than "we".

You can help your client engage with the content of your letter by making it:

- easy and
- attractive

Explain the letter's purpose —

- Give the letter a short heading in bold type.

Think about the language you use. A client who has discussed the difficulties in their marriage may find a heading of "Your divorce" insensitive and a more sensitive wording would be: "Your marriage difficulties".

Make your letter personal to your client. For a litigation client use a heading of "Your personal injury claim" rather than "Jones v Cartwright Cars Ltd".

- Start your letter by explaining why you are writing.

Keep it concise —

Long letters are hard to read, so try not to repeat information.

Include information that the client will find important in the first part of the letter. See the order a) to g) at Content of a client care letter above.

Some parts of the letter will need more detail than others. When you summarise the client's case, you do not need every detail. Concentrate on the legally significant parts.

When you confirm your legal advice, make sure you are clear about issues which are often misunderstood by clients.

If you realised that the client struggled to understand some aspects of your advice, explain it again as simply as possible.

Clear costs information is important. Clearly set out the costs estimate, VAT, and costs payable to third parties (disbursements). Explain when the client must pay these.

Use plain English —

For example, rather than “endeavour” use “try”.

Avoid legal language, or if there is no suitable alternative, explain the legal term.

Use every day phrases rather than ones that are wordy or sound pompous.

Make it easy to read —

The following ways of writing help clients read and engage with your letter:

- short sentences, as these are easier to read
- avoid dense bodies of text, so important information does not get lost
- numbered headings help a client work their way through the letter
- use short paragraphs to organise information making it easier to read
- Font size 12 and above is more inviting and helps people with visual impairments
- Make information stand out using: highlighting, bullet points and tables

Enclosures —

Lengthy but important information which must be given to the client can be signposted in the letter and then enclosed separately. This makes the letter shorter and as a result the client is more likely to read the letter through to the end.

Many firms will use this approach for details of their complaints procedure and terms and conditions.

Closing —

Always try and end the letter on a friendly note and ask the client to contact you if they are unclear about anything.

Sign “Yours sincerely” and add your name.

It is good practice to enclose a duplicate copy of the letter and to ask the client to sign and return it to you. You need to make sure you follow your firm’s policy on this.

Other letters to your client

Apply the same **high writing standards** whenever you write to your client during the transaction. Keep your writing clear and precise. Remember, if you are vague or unclear, the client will soon be phoning or emailing you.

Do not forget the importance of your final letter wrapping up the transaction. If you are reporting back on a court hearing, make sure you are very clear in summarising the result to the client. You will need to enclose your final invoice. Some firms will also enclose a client feedback form with this letter. Such information can be very valuable for the managers and partners in the firm and it is important that you follow your firm’s policy.

Other routine letters

Again, keep these letters as succinct and precise as possible. It is important to remain polite even when writing to the opponent's lawyers. Even if the parties in a court case dislike each other, you must retain a measure of detachment in your correspondence with other lawyers and remain polite. Use "we" and "Yours faithfully" in letters to other lawyers and organisations.

Always be courteous when writing to a member of the public who is not a client. Even if you have to explain that you cannot help him, for example, because of a professional ethics issue, you should keep in mind that the recipient of your letter is a potential future client. You should write this sort of letter using "I" and "Yours sincerely".

Remember the importance of including accurate references when writing to organisations and firms of lawyers. This will help ensure that the letter reaches the right person as quickly as possible and does not hang around in a post room without a home. Again, make sure you use your firm's standard system for references. Those who receive your letters will copy that reference on to their replies.

Where a letter is written in a genuine attempt to compromise a dispute, for example, offering to settle an employment claim for £10,000, the letter should be headed in bold "Without Prejudice". This will ensure that the letter cannot be used subsequently in the case against the writer.



Communicating by email

There are a number of golden rules for business emails:

- use an appropriate title which will be meaningful to the recipient;
- start the email with “Dear . . .”;
- avoid using abbreviated text language;
- be very careful about using humour – remember emails can easily be forwarded to unexpected recipients;
- unless the message is very short, it may be appropriate to attach a longer Word letter;
- remember the courtesies of thanking the recipient etc.;
- use paragraphs and bullets and ensure that the content is logically set out;
- consider whether you need to copy in your principal or any other colleagues;
- read and apply your firm’s email protocols (if any) – you may be expected to include the file number in the title;
- close the email with “Regards” and your first name (not simply an initial), followed by your email standard signature (full name, job title and phone number).

There is a temptation when writing an email for the more relaxed style of writing to induce less precision. This can be dangerous when you are communicating vital practical information. If, for example, you are giving directions to a particular court, it is vital that the client will be able to find it easily. Giving the accurate postcode and a link to the Google map may need to be supplemented by some practical advice that, for example, there is no parking at the court and the public car park across the road is usually full up by 9.00 am. It is, of course, particularly important that your client gets to the court hearing on time.



Complete the content above before moving on.

7.6 Other methods of communication

Communicating by telephone

There are some key points when communicating by telephone:

- Do not take a call from a client if you are in the middle of a meeting or otherwise engaged.
- If you are phoning a client who is overseas, remember to check the time difference first.
- Work on developing your skills at expressing emotions such as warmth, sympathy, firmness and confidence using your voice.
- If the issues are complex or distressing for the client, consider arranging a meeting instead.
- If there are a number of points which you want to discuss, prepare a short list beforehand so that you can work your way through them methodically.
- When leaving messages, do not breach your duty of confidentiality or simply cause embarrassment to the client if someone else hears the message first. Mentioning that you are phoning from Williams & Khan lawyers may give rise to embarrassing questions to the client as to why they are instructing a lawyer.

Conference calls

Sometimes, you may need to make a conference call with several colleagues using the loudspeaker function on your phone. Make sure the person(s) at the other end knows that they are now on the loudspeaker. This type of call is best done in a quiet room to help the person(s) at the other end to distinguish what is being said by whom. Make sure that everyone introduces themselves verbally at the beginning of the call, ensuring that they are close enough to the phone to be audible. Remember that only one person should be speaking at a time. At the end of the call, do ensure that the loudspeaker function is turned off.



Videoconferencing

A video-conference is something of a hybrid between a face-to-face meeting and a telephone call. Increasingly, firms are referring to it on their websites as a method of communicating, particularly with overseas clients. As well as providing a chance for clients who are thousands of miles away to see you and your colleagues during the discussions, the technology enables, through split screens, documents to be reviewed and amended electronically.

It is important to plan the video-conference ahead of time, ensuring that you are clear how to use the technology. You will need to dress as smartly as you would for a face-to-face interview and ensure that all mobile phones are switched off.

During the video-conference, all participants should introduce themselves at the beginning and ensure that they are visible on the screen. They should avoid moving

around and only speak one at a time. It can be helpful for participants who are not speaking to use the “Mute” button to minimise background noise.

Communicating via your firm’s website

Some firms have a section of their website on which their clients can access information about progress on their cases by using a password. They are able to see how much time has been spent and how much the case is costing. This sort of system is likely to be linked to a case management system and is particularly appropriate for firms which carry out a large number of standard transactions, for example, debt recovery claims or domestic conveyancing.

You must, of course, ensure that you update the case management system promptly as you progress each case – clients will expect the website to be accurate.

Text messages

Most people have a mobile phone and text messaging is an easy way for them to keep up to date on information. While traditionally lawyers have shied away from such informal methods of communication, it is increasingly being expected by clients. Many other sectors use text messages on a regular basis, to remind people about appointments or provides updates on their situation. In addition to your firm’s phone systems, it may be that your firm’s CRM system includes automated responses or allows fee earners to send texts to clients. Whatever the method used, make sure that you comply with any internal rules and follow the guidance given at 5.4.1 on understanding etiquette when using technology.



Activity

If you are working within a law firm, do some research into the different methods of communication used within your firm. If some methods mentioned in this chapter are not used in your firm, do some further research into those methods and think about the benefits and risks associated with these methods.

If you are not currently working within a law firm, or your firm already uses all of these methods, choose a couple communication methods to do further research into and think about the benefits and risks associated with these methods.



Complete the content above before moving on.

7.7 Summary

(1) You must comply with internal and external service standards to ensure that the client receives the best standard of care.

(2) Be aware of both your verbal and non-verbal communication skills.

(3) Make sure that your listening is active.

(4) Prepare for interviews in advance and use a combination of open and closed questions to elicit information from your client.

(5) 'Funnelling' may assist you in obtaining information from your client.

(6) Be careful with spelling, grammar and punctuation in your written correspondence.

(7) Attendance notes should be written to capture key information from the client

(8) Client care letters must be sent to clients at the beginning of the matter and be easy for the client to read and understand.

(9) There are a range of ways in which you can communicate with your client.

You have completed Chapter 7.

EXIT