

Hand in Hand With Your Lawyer

Making the attorney-client relationship work for you

There are two important aspects of any successful attorney-client relationship. The first is forging a reliable relationship with your lawyer and the second is communication effectively together.

Although every case and individual are unique, a number of basic client attitudes and behaviors are sure to enhance the attorney-client relationship. Your lawyer's role will change from time to time throughout the process, often due to changing needs and your capacity to deal with aspects of your case.

Following are eleven suggestions to ensure a reliable and successful attorney-client relationship.

1. **Learn about your lawyer.** Feel comfortable and positive about your decision to hire a lawyer. Get recommendations from friends and other lawyers. Interview several lawyers before making your choice. Go online and get information from Web sites, particularly from professional associations of lawyers. Ask your lawyer about his or her fees, availability, attitudes, experience, and how the office or practice works.
2. **Ask more questions.** If the answers to your initial question are not satisfactory, ask more questions. There is no such thing as a dumb question.
3. **Be an informed client.** Listen carefully to your lawyer's advice. Learn all there is to learn from your lawyer.
4. **Insist on timely communication.** Your lawyer should give you copies of all correspondence, pleadings, and other documents related to your case. If you do not get them, speak up.
5. **Provide timely communication.** When your lawyer asks for financial and personal information, be prompt and forthcoming. If you do not know what is asked, be frank and admit it. Tell your lawyer what you do know.

6. **Don't be afraid to call.** Remember, if an issue is important to you, it is important enough to be communicated to your lawyer.
7. **Do not artificially limit your lawyer.** It is not uncommon for a client to say initially, "I want you to handle my divorce, but I do not want to go to court." This is comparable to saying, "I want a divorce and I will give up everything." Your lawyer can help you become comfortable both with the process of settlement negotiations and a trial. Talk about your concerns and options.
8. **Be familiar with the legal process.** The more familiar you are with how things work, the less afraid you will be. A lawsuit is determined by applying legal principles to the facts of your case. Your lawyer will gather and present the facts in an orderly way. The trial will be a step-by-step, logical presentation of those facts, which will lead the judge to your advocate conclusion.
9. **Be proactive.** Ask your lawyer what you can do on your own to help resolve your lawsuit. This might include reading certain literature, gathering documents, or helping your lawyer with better timing of requests for discovery or settlement proposals.
10. **Be heard.** Get comfortable talking with your lawyer about the most important things in your life. If you feel your lawyer is not listening to what is important to you, insist on being heard. If you are embarrassed about what has happened to you, don't be. Your case is unique. Even though human behavior and many circumstances surrounding a divorce are commonplace, make sure that your lawyer is sensitive to your feelings and is listening to what is important to you.
11. **Discharge your lawyer sooner rather than later.** Remember, you have the right to discharge your lawyer if you feel he or she is not working satisfactorily with you. This means that you as the client have the real power in this relationship. Do not act in haste. Be thoughtful and effective in your decision.

Communicate effectively

Ask all questions of your lawyer and tell all facts to your lawyer. Shared knowledge is the power to win your case. Learning to communicate effectively is learning to be powerful in your own self-interest.

Communication between you and your lawyer occurs in many ways. It can be in person, by telephone, by fax, by e-mail, by letter, or by messages passed through your lawyer's staff. Communication is a mutual exchange of information. Good communication is essential to effective problem solving.

Do not fear your lawyer or be intimidated by him or her, the law office, or the courtroom. Try to keep emotions out of your communications, but go ahead and tell your lawyer how you feel. Your emotions can get in the way of solving problems, but your feelings are very important for your lawyer to understand.

If your way of communicating with your lawyer does not work, change it. Here are fourteen ways to communicate more effectively with your lawyer.

1. **Speak your self-interest.** Self-interest is not the same as selfish. Effective problem solving can happen only with a clear expression of your self-interest. Adopt the five simple phrases of self-interest:

- “I want...”
- “I need...”
- “I will...”
- “I will not...”
- “No.”

If you express your self-interest, then no one needs to guess what you want. Indirect language often does not convey clearly what you want to tell your lawyer. You may appear willing to take one course of action, when the opposite is true.

2. **Do not keep secrets from your lawyer.** Communications with your lawyer are privileged and confidential. This makes it easier to tell your lawyer everything. Withholding information about yourself or others gives power to the other side. Tell everything, including any embarrassing facts. Ask your lawyer about the best way to communicate those facts. Ask your lawyer about the best way to communicate those facts. Often the best way is to make an appointment with your lawyer to discuss how your secrets may affect the case. In all likelihood, your secrets will not have the dramatic impact you fear.

3. **Do not lie or intentionally mislead your lawyer.** Remember, any lies you tell will become the facts of your case. Your lawyer will build your case around them. The lawsuit process is a trial process. At trial, your lawyer organizes the facts to lead clearly to a conclusion that he or she advocates on your behalf. If your lawyer has organized your case around facts that are false, deceitful, or misleading, you can expect a similar result.

Nothing is more frustrating for a lawyer than to learn in the middle of a case that you have withheld information. Tell your lawyer everything you know so that he or she can use the tools of discovery to learn more about what you do not know.

4. **Ask what your lawyer expects of you.** In many social relationships, we assume what other people expect of us. When problem solving with your lawyer, ask what he or she expects of you. If you know what your lawyer expects, you can choose whether or not to meet those expectations. Choice is an important part of solving your problem. Make choices and tell your lawyer what choices you have made.

5. **Honor your lawyer by asking questions.** Your lawyer does not possess knowledge that can be revealed only on a mountaintop in a carved tablet. Your lawyer possesses knowledge that he or she wants to share with you for effective problem solving in your case. Rather than feeling pestered by your questions, your lawyer should be honored by them. Do not apologize for asking a question; be direct. Say, for example, “I want to know what happens if ...” Keep asking until your question is answered. Remember, there are two experts in your case. You are the expert on the facts of your life, and your lawyer is the expert on law and legal strategy. Do not covet your lawyer’s knowledge; ask and you shall receive it.

6. **Do not have off-stage lawyers or others advising you.** If you want a second opinion, ask your lawyer for a referral or tell your lawyer that you are seeking a second opinion. The second-opinion lawyer has some ethical constraints on the scope of advice he or she can give you because you already are represented by a lawyer. The second lawyer should communicate directly with your lawyer so that everyone knows what was said and advised.

Tell your lawyer what advice you have received from other people. After all, your lawyer must contend with the whole range of opinions, advice, and directions you get from friends and family.

If you are acting on someone else's advice, tell your lawyer. Effective problem solving requires candid communication between you and your lawyer about advice you receive from other people and other lawyers.

7. **Do not take your lawyer's name in vain.** Your lawyer is there to help you through your lawsuit. Lawyers can be used, misused, cursed or praised in ways that do not contribute to effective problem solving. Lawyers are used by parties as weapons against each other. A lawyer can be vilified by the other side because he or she must play an advocacy role. Lawyers also can be deified by extremely dependent clients. Work with your lawyer and understand that he or she is a human being who is attempting to be the best possible advocate for you. That's all: That's enough.
8. **Do not allow yourself to be frustrated.** If communicating with your lawyer is frustrating, sit down and talk about it together. Confronting the problem head on may be rough, but it will lead to a better result. Your lawyer may feel the same way. Together you can find a more effective means of communicating.
9. **Do not fear the legal process.** Fear often impedes good communication. If you are afraid, acknowledge it. Acknowledged fear will bring you peace.
10. **You are your lawyer's most important client.** At times your lawyer will have other important matters to attend to. If your questions are not answered in a timely manner, be direct. Ask your lawyer how to proceed when you need something and he or she is busy juggling other important matters.
11. **Know your lawyer's staff.** Your lawyer's staff can answer questions and relay information. Ask your lawyer which staff member to turn to when he or she is unavailable. There may be a difference between the person who answers the phone and your lawyer's confidential secretary or legal assistant. Law-office staff can facilitate communication, but it is no substitute for direct communication with your lawyer.
12. **Make your lawyer aware of changes.** Your situation may change rapidly during your case. Tell your lawyer about changes that are occurring in your life; your spouse's life; with regard to your assets, income, and children's lives. Although your lawyer is trying to take a "snapshot" of your case, getting the complete picture may require a series of pictures over time. Nothing is more frustrating for your lawyer than finding out too late that facts you imparted earlier are no longer accurate.
13. **Tell your story as clearly and completely as possible.** Be up-front and relate all the facts: the good, the bad, and the ugly. Use notes, work-sheets, written narratives, and document organization to help your lawyer understand your situation. Ask your lawyer for work-sheets or some organizational direction. Your lawyer will ask you to write down important facts, such as the correct spelling of your name and your Social Security number. Doing things in an organized way cuts costs and increases the effectiveness of problem solving. If you are unable to organize your thoughts, acknowledge this and ask for your lawyer's help. If you suffer from depression or other emotional difficulties that affect your ability to present your case in an organized fashion, acknowledge those difficulties and ask for help.

14. **Tell your lawyer your goals and expectations.** If you do not know your goals, take a few minutes to think about them. Goals are clear, simple, unconditional statements. Sit down with a blank sheet of paper and write down your goals as fast as you can. Goals can be contradictory, inconsistent, and outlandish, but they are your goals.

Once you have gone through this exercise several times and have written down all of your goals, take a moment and rank them, starting from the least important to the most important. Your top three or four goals may be difficult to rank, but give it a try. Then re-write your goals in order of importance and share this list with your lawyer.

Communication can be difficult even in the best of times, and the legal process is far from the best of times. By following these effective communication standards, you can minimize misunderstandings and maximize your chance for a successful resolution of your case.