

BUILDING AND MAINTAINING A STRONG ATTORNEY CLIENT  
RELATIONSHIP

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# Building a strong attorney-client relationship

Effective advocacy requires a good client-attorney relationship. This involves listening to your client and giving good advice on your client's legal situations.

Your client is the most important source of information you have. Your client should be able to help you determine the strengths of your case and how it should proceed. Ultimately, it will be your client who decides how the case is going to go forward. Your sound advice and counsel should help your clients reach the right decisions in their cases.

## The Ground Rules

- Every case is a trial case
- Every case is important
- You need to show you client why you should be trusted
- Your client decides how to resolve the case

# Know the Ground Rules

- **Every case is a trial case.**

It is easy to see a minor crime or a client with a lengthy criminal history and decide that the case is going to be easy to resolve. This may not be how your client sees the case. If you begin your analysis by seeing the case as a trial case, you are in a better position to determine what the appropriate investigation should be and what you need to do to turn the case into a potential trial.

Seeing the case as a trial case also shows your clients you are interested in a positive outcome for them and not just in disposing of their cases. The greatest disability you have as an attorney representing indigent persons is that many of your clients believe you do not care about them. Demonstrating to them you are committed to the process and to their cases will enable you get the right result for your clients.

- **Every case is important.**

As attorneys working with indigent clients, we handle a lot of cases. One of the skills you will develop is your ability to determine the worth of a case and how you think it will resolve. This is good because it enables you to handle the case load you maintain.

Your client does not have all of those other cases. For your client, this is the only case they have to deal with. It is important to them. Cases

you may consider minor, either because the result may not be dramatic or because of your client's history, may in fact be very important to your client.

As the attorney, you need to take the time to explain the charges, the consequences, and the procedure for every case. You need to listen to your client and let your client decide how the case should be resolved, even if you don't agree with that decision.

- **Show your client you can be trusted.**

The greatest barrier a court appointed attorney has is how to deal with the fact that your client did not get to pick you. It is undeniable that court appointed attorneys are seen as less experienced than private attorneys who handle the same types of cases.

It is your job to do more than just treat your client like a file. Answer requests promptly, visit with your client regularly, be prepared for interviews and deal with the issues your client is interested in. This will go a long way towards establishing the trust your client needs in order to be able to follow your advice.

Just as important is acknowledging when you do not have the answer to a question your client may have. When this is the case, tell your client you will find out the answer to the question and then return with the answer as quickly as you can.

- **Let your client decide how to resolve the case.**

The RPC's require attorneys to defer to the client's decision on matters not related to strategic decisions. This means your client gets to decide when to plead guilty, testify and waive a jury.

This important framework should really shape the way you approach a case. You should be giving your client's advice about their cases and your opinion on offers. Ultimately, however, it is your client that decides how to proceed.

Once your client has decided what they want to do, it is your obligation to advocate for their position. While it is fine to disagree with a client's decision during an interview, you should always present a unified front when appearing in court or otherwise advocating for your client.

## The interview process

It is important you use the time you have with your client effectively in order to develop a good relationship with your client, help your client resolve their case, and prepare for trial.

In every case, you want to be able to give the client the information they need to decide how to proceed. This typically means informing them of the charges, potential sentences, challenges they might have to the evidence and what you perceive to be the likely outcomes of their case. You also need to be able to get the information you need. Be prepared to

get the names of witnesses and any other information that might be relevant to your investigation.

- **Prepare for the interview.**

Before meeting with your client, make sure you are prepared. This means making sure you have as much information about your client and the charges as possible. You should, at the least, have a copy of the information and your client's criminal history. If you are not assigned until after bail has been set, you should know what was said at the preliminary appearance and why conditions were set on your client. If discovery has been filed, you should have read it and anticipate potential defenses your client might have.

It is important to read the statute and the sentencing implications every time you get a case, even if you have done that type of case many times before. The law is constantly changing, either as a result of litigation or legislation, and the only way to remain on top of it is to review the law whenever you get a new case. You also need to be aware of the collateral consequences that matter to your client, and where to look for the latest information on those consequences.

- **Take your time during the interview.**

While you must see your client as soon as you can after being assigned a case, it is also important that when you see them, you are prepared to speak to them for as long as they need for them to be

comfortable with how you intend to proceed on their case. Do not make your clients feel you have more important things to do or that you do not value their opinion.

- **Collect information.**

Your client is your most important source of information. You can find out from your client who are potential witnesses and who should be interviewed. Involving your client in this decision-making process also helps them understand this case belongs to them and that they are the decision maker about how it proceeds.

- **Discuss offers after you have developed your case with your client.**

While you are obligated to provide your client with information from the opposition, when meeting a client the first time, it is important to not begin the conversation with how they can resolve the case. Instead, you should gather information from them regarding how they want the case to resolve. Once you have had a thorough conversation about the strengths and weakness of particular defenses or scenarios, it is appropriate to discuss offers.

There is nothing that destroys an attorney client relationship more than walking in and advising a client of how they can plea to get their case over with or otherwise quickly settle their case. This results in a loss of confidence on behalf of your client. It is not likely to move the case

forward any more expediently than if you listened to your client before conveying an offer.

## Build a Strong Relationship

It is in your interest to build a strong relationship with your client. This will help them build confidence in your abilities and will help you resolve the case appropriately for them.

Follow these rules to help build a strong relationship: Maintain attorney client confidences, listen to your client and follow their direction, work to build their trust, communicate promptly with them, acknowledge when you do not know something and find out the answer and always back your client up when dealing with third parties, including the courts, prosecutors and their family.

### Keys to a strong relationship

- Maintain confidences
- Listen to your clients and follow their direction
- Communicate promptly
- Acknowledge your limitations
- Back them up

# Resolve Conflict

Even with your best efforts, you are going to have conflict with your client. Most of the time, this conflict can be resolved. It is important to maintaining the relationship with your client that you do your best to resolve the conflict.

When you have conflict with your client the most important thing to do is to listen to your client's complaint. When listening, do not interrupt and do not argue; just listen to what your client has to say.

When you have made a mistake, acknowledge it. If your client is making unreasonable requests, make it clear you are unable to fulfill those requests. Do not make promises you cannot deliver.

Make sure you document complaints and take notes when your client complains. Be proactive with the complaints and forward them to your supervisor, who may have good advice on how to deal with them.

Most importantly, do not ignore the complaint. Your client will be much happier with your representation if you explain what you can do than if you do not address their concerns.

You are going to get clients who are going to complain to and about you. For a variety of reasons, many having to do with mental health and substance abuse, but also having to do with frustration about their historical treatment by the system, you are not going to be able to

establish a good relationship with every client. Nevertheless, you should continue to try with every client, especially those that are distrustful because of their personal problems or experiences with the system.

## Deal with Difficult Clients

No matter how hard you try, you are going to have hard relationships with some clients. Simply having a difficult relationship with a client does not mean you cannot handle their case. You should do everything you can to maintain a professional and solid relationship with your client, despite your relationship with your client.

First, listen to your client and make sure you understand what their objectives. When a client is angry with you, stay calm and maintain professionalism. It is important to document conversations, so you have a record of requests and your attempts to meet them. Do not engage in argument with a client: the case belongs to them and they should have the ability to decide how it proceeds. Finally, in difficult case, keep your supervisor informed of your progress. This proactive action will help you should a complaint become formal.

# Become a Good Listener

One of the disabilities we have as attorneys is that we believe we know more than our clients. Consider these rules when listening to your client.

- **STOP TALKING:** You cannot listen if you are talking.
- **PUT THE TALKER AT EASE:** Help the person feel that he or she is free to talk.
- **SHOW THE INDIVIDUAL THAT YOU WANT TO LISTEN:** Look and act interested. Do not read your e-mail while the person talks. Listen to understand, rather than to oppose.
- **REMOVE DISTRACTIONS:** Do not doodle, tap, or shuffle papers.
- **EMPATHIZE WITH THE PERSON:** Try to see the other person's point of view.
- **BE PATIENT:** Allow plenty of time. Do not interrupt. Don't start for the door or walk away.
- **HOLD YOUR TEMPER:** An angry person gets the wrong meaning from words.
- **GO EASY ON ARGUMENT AND CRITICISM:** This puts the person on the defensive. He or she may "clam up" or get angry. Do not argue: even if you win, you lose.
- **ASK QUESTIONS:** This encourages the speaker and shows that you are listening. It also helps to develop points further.
- **STOP TALKING!**

# Be an Advocate and a Counselor

Your primary duty is to represent your client's interests. A client who is not interested in a resolution you believe is appropriate has the right to disregard your advice. There is nothing wrong with a client deciding to proceed in a way contrary to how you feel.

That being said, you still have a role as a counselor. Part of the job of competent representation is to give your clients advice about their cases. You are in a good position to know how a case is going to resolve. You should give your client the benefit of that knowledge. There is nothing wrong with disagreeing with a client on how to proceed on a case. You should tell your client when you think a decision they are making is a mistake.

It is, however, up to your client to decide how to proceed. Once your client has heard your advice, your client will decide how to proceed. You need to honor that decision. When you are outside the interview, you should provide a unified front with your client. Do not speak to the client's friends and family about the mistake your client is making in not following your advice. Do not tell the court your client is making the wrong decisions about how to handle a case. Your client loses confidence in your ability when they see you do not have their interests at heart. You

will find you have a harder time handling the case when you do not back your client up when in front of other people.

## Conclusion

We have more experience than almost any other lawyer in a criminal courtroom. Your client should know you are the best lawyer possible for their case. They should have no doubt you are going to proceed in an ethical way that will result in the best possible outcome for them. By building that understanding, you will find you have an easier time proceeding on their case and you will get better results for all your clients.