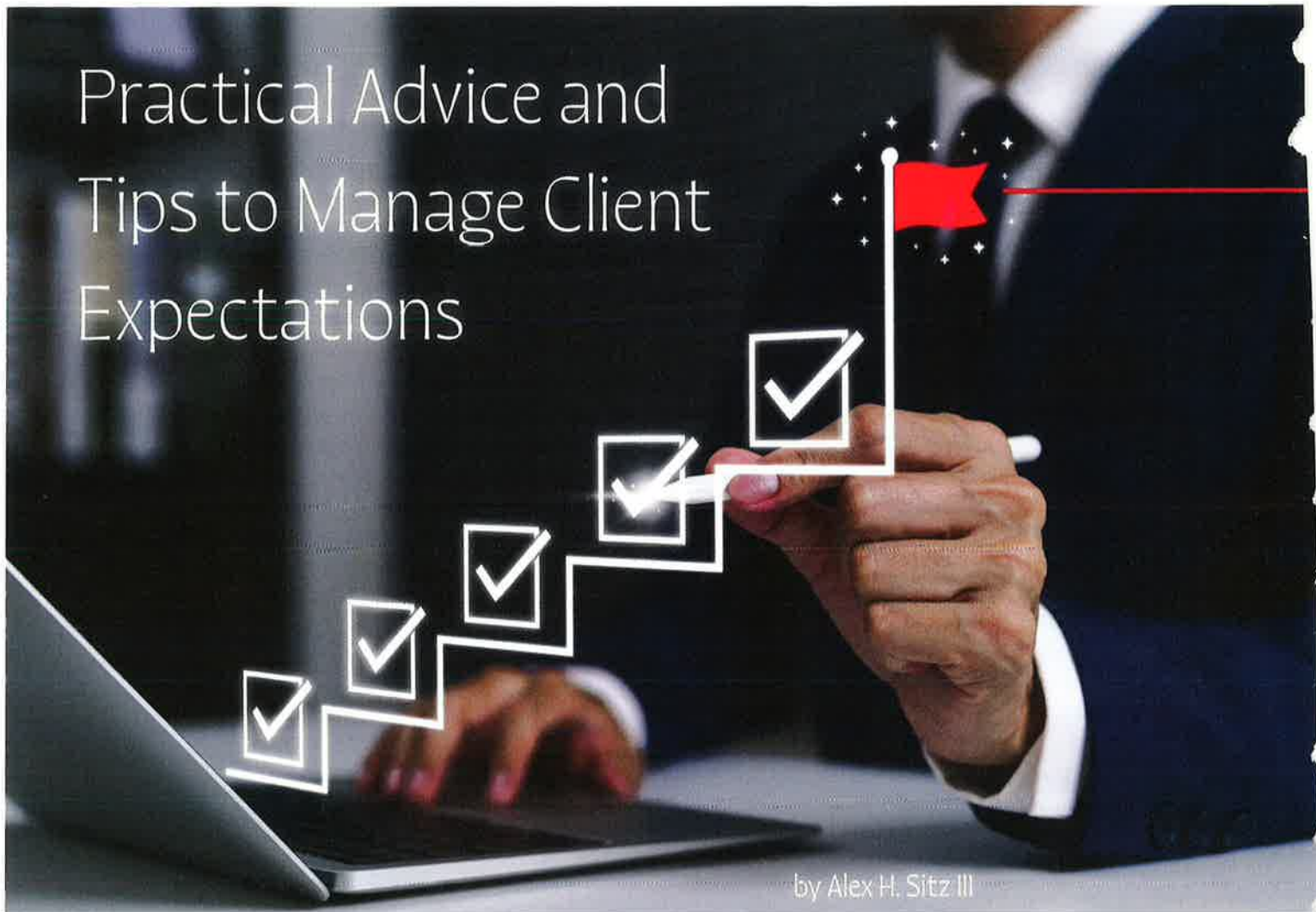


Practical Advice and Tips to Manage Client Expectations



by Alex H. Sitz III

While attending law school at the University of Wyoming, I had many of the standard classes that most of us remember such as Torts, Contracts, Criminal law, etc. However, one class I did not have was how to interact with clients on a daily basis and help them navigate through the emotional roller coaster we call litigation. This is simply a tool that many of us have developed along the way after law school. While recently working a case with a trusted colleague, she made a comment to me during the course of a conversation regarding my EQ (Emotional Quotient) level. This term is in opposition to IQ (Intelligence Quotient), and one I had never heard

before. Therefore, I was curious as to its meaning and whether it was meant as a compliment, or just a polite way for her to comment on my overall lack of IQ? Nonetheless, a quick Google search defined EQ as “recognizing, understanding, managing, and using emotions in oneself and others; includes self-awareness, self-management, social awareness, and relationship management.” The underlined part of that definition I believe is key to helping manage client expectations in the real world.

First, as an up front disclaimer, I am mostly a family law attorney by trade. Most clients that walk through my door come in with an emotionally charged situation. Whether that be a spouse being unfaithful to them, or whether that be splitting up

with your boyfriend and now you are playing tug of war with the children you share together. So, managing client expectations starts right at the onset for me. A good way for me to start is by giving my clients an informational copy of the Wyoming Statutes relevant to their case, read it with them during the course of our meeting, and quickly explain to them that the judge in their case is vested with a wide amount of “discretion.” Therefore, while I may have an idea what a particular judge’s tendencies may be, I can never guarantee what that judge may do if we end up in the courtroom. Therefore, **Practical Tip #1:** Never ever guarantee results to a client.

Second, once a client decides to retain my services and I agree to work with that client, I reiterate this same concept of not being able to guarantee results in the engagement letter that I have them sign before beginning work. Paragraph 4 of my engagement letter states specifically the following:

Favorable Outcome Not Guaranteed.

You understand that the firm has made no representations concerning the successful termination of your claim or claims relating to the matter in controversy or the favorable outcome of any legal actions which may be filed. Likewise, the firm has not guaranteed it will obtain reimbursement to you for any of the costs or expenses incurred by you in the prosecution of said claim or claims. You further expressly acknowledge that all statements of the firm concerning your case are statements of opinion only. You are aware of the hazards and of the high costs of litigation and that despite our efforts on your behalf there is no assurance or guarantee of the outcome of this case.

Therefore, **Practical Tip #2:** Reinforce in writing with your client that you cannot guarantee results.

Third, a majority of the work I perform for clients is based on an hourly fee schedule with a required deposit made up front to an IOLTA trust account to cover an initial chunk of my time. Therefore, the more time a case takes, the more money it costs that particular client. Be sure to

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have that practical conversation with clients up front about costs. Be realistic with them about how long their initial deposit may last, and if they wish to email you ten times a day or speak to you on the phone on a daily basis, that the costs of their case will grow exponentially higher. Another thing I tell clients up front is that the more “legwork” they can do in their own cases such as gathering documents, signing releases with providers, or neatly organizing discovery responses, the less time I have to spend with those sorts of tasks, and how it will lower the overall costs of their case. I also have conversations with clients about the cost-benefit analysis and whether or not it makes financial sense to file a particular motion during the pendency of a case when the likely attorney fees may far exceed the amount or benefit of the relief a Court may grant.

For example, spending \$2,500 in attorney fees to collect \$350 per month in temporary support for the next three months pending a final hearing does not make economic sense when you can wait and make the request for back support at that final hearing. Clients always seem to appreciate it when I give them sage advice about the

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economics of their particular case and let them know that I have plenty of other work to keep me busy. I would much rather they use their money toward their own kids versus mine. **Practical Tip #3:** Have the hard conversation with clients up front about the costs of their case and how certain factors affect costs one way or another.

Fourth, set client expectations up front about the level of communication they can expect from your office once retained. I let clients know up front that they will receive a copy of every document that comes through my office whether that be a pleading from their case, or something as minor as an email communication with opposing counsel. I also let them know our office hours, and when to expect my monthly invoices. Clients want to know what is going on in their case and good communication with them is essential to managing their expectations. To go days, weeks or even months without returning a message or phone call to a client is unacceptable, and likely to get you a phone call from Bar Counsel. If you are busy with trial work, vacation, or whatever it may be, at the very least have your staff give them a courtesy call to let them know of your current unavailability and when they can expect to hear back from you. **Practical Tip #4:** Maintain good consistent contact with your cli-

ents.

Fifth, manage your caseload effectively and efficiently. Clients expect you to know the status of their case and the deadlines that may apply to their case. I specifically have a “Client Status” document that sets forth all my cases by type. For each client, I include their name, the name of the sitting judge, the county in which the case is pending, and the opposing counsel. Then after designating the type of case, I set forth the orders that have been entered and all pending deadlines and dates from their case management order. This helps me keep case deadlines at the forefront of my workload and effectuate client status meetings with my assistant. When the client calls wanting to know the status of their case or what to expect next, this information is at mine or my assistant’s fingertips for the benefit of a client. **Practical Tip #5:** Manage and organize your caseload so you can keep the client reasonably informed about their case.

To most of us these simple tips may seem to be common sense. However, I am always amazed at the stories I hear from new clients about experiences they had with a prior attorney apparently lacking common sense. At the end of the day, do the little things right and it will be easy to manage your clients’ expectations in your next case. ♦



Alex H. Sitz III attended the University of Wyoming School of Law, graduating in 2002. He began his career as a deputy county attorney in Thermopolis until he moved to Cody in 2004

and began private practice with his law partner M. Jalie Meinecke. His practice has been a balance of family law and criminal defense work over the years but mainly focuses on family law nowadays. He is married and the couple have four children including three teenage boys and a young daughter. Outside of his practice of law, he spends a majority of his time following his children in football, wrestling, basketball and baseball, which will continue beyond high school as his oldest boy wrestles collegiately. He loves to travel with his family, especially to any saltwater destination with a fly rod in his hands, and also enjoys competing in sporting clay tournaments across the country.