

The 5 Worst Things To Do In A Client Meeting

By **Jeff Zalesin**

Law360, New York (January 11, 2016, 9:01 PM ET) -- A face-to-face conversation with clients can be a great opportunity to win their trust, but a meeting can turn ugly in no time if a lawyer shows signs of being rude or unprepared, experts said.

As important as it is to demonstrate legal expertise, it's just as crucial to avoid coming off as an arrogant know-it-all. And attorneys who show up without a thorough understanding of the client's overall business are in serious danger of losing their credibility, according to law firm partners in several practice areas.

Here, lawyers name five things you should never do in a meeting if you want to keep the client.

Doing All the Talking

Clients want to hear what their attorneys have to say, but they also want to know that they are being heard. An attorney-client relationship could be doomed to fail if the client can't get a word in edgewise, experts said.

Stephen Graham, a corporate partner and co-chairman of the life sciences practice at Fenwick & West LLP, said the symptoms of poor listening skills include talking over clients and providing off-topic responses to their questions and comments.

"What you should be doing is asking and listening to the answers," he said. "If you're not asking enough questions so that you can have an understanding of what is going on, then you run the risk of having a client not participating in the dialogue."

When clients feel that they've lost an opportunity for a substantive exchange, they might leave the meeting with negative sentiments, Graham said.

Giving the client plenty of time to speak during in-person meetings isn't just the polite thing to do but also a smart way to gather useful information, according to Charlie Kim, a partner in Cooley LLP's business department.

"A lot of attorneys like to talk, and I think it's an extremely important skill to be able to listen — to not only be able to listen to what they're saying but hear the undertones and sometimes the message they're not verbally communicating," he said.

Taking a Superior Tone

If you work as outside counsel, you are expected to come to the table with specialized knowledge that your clients lack. But that difference in expertise is no reason to condescend to a client, attorneys said.

Rachel Krevans, chairwoman of Morrison & Foerster LLP's intellectual property litigation group, said it's good for lawyers to show clients that they are well-prepared and well-versed in the law, but they should never presume to boss clients around.

When lawyers think they are giving an impressive performance, they might really be offending clients with their perceived arrogance, Krevans said.

"If there's any possibility that the words 'show off' could be applied to your behavior, you did something wrong," she said.

Kim said he agreed that condescending attitudes are "destructive," even in a conversation where one person knows much more than the other about the relevant area of the law. Attorneys should aim to partner with their clients, not to lecture them, he added.

"If I was a company [and] I had condescending attorneys, I'd fire them," he said.

Hiding What You Don't Know

A client meeting should be a space for open and honest conversation, Kim said. Sometimes, honesty means admitting that you don't have enough information to answer a client's question on the spot.

When lawyers don't know an answer, they should ask for time to research the question rather than force themselves to come up with a definitive-sounding response immediately, according to Kim.

"I've never had a client that didn't appreciate the fact that I went and made sure I gave the right answer," he said.

It's also a bad idea to try to conceal gaps in your knowledge. In addition to being dishonest, that strategy is probably doomed to fail, Graham said.

"Even when the client doesn't know the answer, most of the time, they can understand if someone else is BS-ing," he said. "I could never paint a masterpiece, but I can tell a crappy painting."

Instead of feigning omniscience, lawyers should accept that they're only human, Graham added. It's unacceptable for attorneys to be "completely clueless," but it's perfectly understandable for them to be stumped when faced with new questions or unfamiliar legal issues, he said.

"If a client has a problem with that, you don't want that client," he said.

Not Keeping up With the Client

Even if you can't be an expert on everything, clients want you to learn as much as possible about their business, including aspects that don't relate directly to the legal matter at hand, according to experts. If

you arrive for a meeting with inaccurate or out-of-date information, you could embarrass yourself and damage the relationship.

Krevans said that as an IP litigator, she can't focus just on the legal and factual issues raised by lawsuits. She also needs to keep tabs on major developments in her clients' business.

For example, if a lawyer shows up to a meeting without knowing that the client's stock took a large slide the previous day, that lawyer could easily "say something stupid," Krevans said. In a sense, it would be like visiting a friend without knowing that a member of the family just died, she said.

"If you don't know recent events in the company's life, you're going to come off as somebody who, at a really important level, doesn't care about the client and doesn't get the way that they think," she said.

To avoid that type of mishap, attorney should at least make sure that they check the client's website for any business updates before a meeting, Graham noted.

"To walk into a client meeting and then ask questions that anyone who's paying attention to the company should already know certainly sends the wrong signal, at best," he said. "At worst, that's going to chip away at the loyalty that a client might otherwise have."

Checking Your Smartphone

It's "painfully obvious" that attorneys should not be texting, sending emails or taking cellphone calls during client meetings, according to Graham.

Even though some cellphone etiquette has started to develop since the device came on the market, technological distractions in meetings are still a problem. Some people try to hide their smartphone use by putting the phone under the conference table, but it's easy to tell what those downward-turned eyes are focused on, he said.

"When you're sitting in a client meeting, the client has to be your focus," Graham said.

Kim said that he can relate to the urge to stay plugged in since he tries to be constantly connected with clients via phone and email. But an in-person client meeting is one place where it's best to put the cellphone aside.

"If you're not able to give them the kind of interpersonal etiquette to be present when you're face-to-face with them, I think that is challenging," Kim said.

--Editing by Christine Chun and Patricia K. Cole.
