

# How to get the Most out of Your Client

The webinar will start shortly

Next time: on 23<sup>rd</sup> September John Bryant and Zach Bredemear will be Talking Trusts

## Who is the client?

Barristers work simultaneously for two clients: the lay client, and the professional client. Our primary duty is to the court, our secondary duty is to the lay client, and at the bottom of the list is the professional client.

Solicitors owe a primary duty to the court and a secondary duty to the lay client.

## Expectation management

Do you need to manage your own expectations?

- We all have preconceptions around our clients. Often we may be right - often we're wrong - but we'll never know if we don't keep an open mind.
- Bear in mind that the client's priorities may change over time and over the course of the litigation.

## Expectation management

### What do clients want?

- Clarity - what can you do for them?  
What are the limits of your input?;
- Predictability - how long will it take?  
How much will it cost?;
- Information - will you keep them updated? When?;
- Confidence - are you the right person for this job?

## Expectation management

### What do clients need?

- Realism - litigation is not for the fainthearted.
- Honesty - there are limits to your powers.
- Confidence - you *are* the right person for this job.

Be clear about the Claimant's motivation: is it really a matter of principle? Are they motivated by money? A change in practices? Or would they be satisfied with an apology?

## Taking instructions

- Sometimes the client needs to vent. Let them. It's quicker in the long run.
- Sometimes the client can't see how to give you the help you need. Help them to help you.
- Be aware that some clients need to lead you - others need to be led by you.

## Giving advice

- Plan the advice you intend to give in advance.
- Make a written note of the advice and, unless something new comes to light, keep to it.
- Do not allow the client to dissuade you from giving the advice they need to hear.

## Keeping clients informed

- Tell the client in advance when they can expect to hear from you.
- Diarise and communicate with the client as planned, even if there's nothing new to say.
- Use these updates as a fact-finding mission to keep yourself informed. Just because you don't have anything to say, doesn't mean the client doesn't need to inform you of a development.



## Keeping clients informed

- The client must always be informed immediately of any important developments, in particular offers, any allegations of dishonesty on their part, and any mistakes you may have made.

## Keeping yourself informed

- The client should know that where there are important relevant developments, you should be informed of them. It's worth reiterating this whenever you speak to them.
- Disclosure: who has the relevant documents, and have you seen them all?
- Witness statements: can anyone else help bolster your account?

## Providing a full service

- Some cases require a cross between a social worker, a PA, an academic and a therapist. That's you.
- The client and witnesses are dealing with one of the most stressful situations they may ever have encountered and needs to feel that you are supporting them through it.
- You will also need support in dealing with some cases. Do not be afraid to ask for it.

## Questions

- How do you deal with a client who knows more than you?
- Are clients complaining more, with or without foundation?

The logo for Travlaw, featuring the word "Travlaw" in a purple, sans-serif font with a small orange and white icon above the 'v'.The logo for 1 Chancery Lane, featuring a large gold number "1" on the left, the words "CHANCERY" and "LANE" stacked vertically in a gold, sans-serif font to its right, and a small gold square to the right of "LANE".

Sarah Prager

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And Special Guest Matt Gatenby of Travlaw

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