

COMMUNICATION AND PROFESSIONALISM

Presented by Delee Fromm

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the formula:

AWARENESS PLUS SKILLS = MASTERY



lawyer communication

- We communicate all the time
- In writing, orally, physically
- With clients, assistants, other lawyers
- In courtrooms to judges and juries

what is communication?

- A way to tell someone something
- About?
- Facts
- Law
- Legal opinions
- Proposed Action Plan
- Stages in Process

what is communication?

- A way to tell someone something **about:**
- Status
- Expertise
- Emotion
- Power
- Personality

what is communication?

Understanding the other



communication breakdown

- Affects relationships
- Creates conflict
- Creates more work
- Affects how people see you
- Increases risk of professional liability

lawPRO claims

- The majority of LawPRO (Ontario) claims are related to communication issues:
 - Failure to obtain consent or inform
 - Failure to follow client instructions
 - Poor communication (e.g., unreturned phone calls)

categories of claims - Australia

- Failure to listen to client
- A lack of empathy
- Not asking appropriate questions
- Not explaining relevant material

other jurisdictions

- 51% of clients were dissatisfied by information provided by their lawyers (**New South Wales**)
- In **Great Britain** a study showed that communication problems were an important source of client dissatisfaction

client relations

- Communication problems are an important source of client dissatisfaction
- Not just unreturned calls and sloppy practices
- IT IS ABOUT CLIENTS UNDERSTANDING WHAT YOU SAY AND THEIR BEING UNDERSTOOD



client service experience

- Satisfaction is about the **service experience**
- Lawyers are excellent communicators
- It is the **way** information is conveyed
- How the experience is perceived
- **Clients have higher expectations today**

lawyers' personality traits

- *High on Skepticism – 90th Percentile*
- *High on Urgency - impatient*
- *Low on Sociability (average of 12.8% versus 50% in general public)*
- *Based on Caliper Profile test in **Herding Cats** article by Larry Richards*

more lawyers' personality traits

- ***Competitive***
- ***Independent***
- ***Achievement Oriented***
- ***Not focused on emotions*** –due to decision making type on the MBTI
- ***Taken from **Lawyer Know Thyself** by Susan Daicoff***

barriers to effective communication

- Personality Traits of Lawyers
 - Urgency
 - Achievement oriented
 - Logical thinkers
 - Sociability
- Lack of skills training in law school

skills in great communication

- listening
- speaking confidently
 - non-verbal behaviour
 - simple framework



listening

- Listening well is hard to do
- Excess Processing Capability (4 vs. 1 word)
- Personality and time interfere
- Often power is viewed as held by the speaker
- But **INFORMATION** is power
- Mind meld is goal
- Not “stop talking – I get the picture”

listening exercise

- Pair up!
- Read instructions for Language of Listening
- One side will talk - the other listen for 5 minutes
- Listener will use non-directive listening and the 4 listening checks
- Times Up - switch roles!



listening exercise

- Both what you hear and what you see
- What does **nonverbal language** tell you?
 - Emotional state
 - Level of engagement
 - Level of confidence
 - Whether you are in synch



listening physically

- how are you seated with your client?
- does it encourage openness and comfort? Or your confirm your status?
- is it across the table suggesting polarity?
- mirroring research and persuasion

exuding openness and confidence

- openness is important to convey physically while listening
- open relaxation conveys confidence
- shown powerfully through non-verbal gestures
- let's look at non-verbal in this room!

expansive postures



reducing postures



mind-body connection

- sitting expansively makes you feel more powerful
- reducing postures make you feel more helpless
- signals emotional state/reaction
- signals received and interpreted by others
- may all occur at **unconscious level**

effective speaking framework

- Works for all personality types
- Connection for feelers or amicables
- Main point for big picture people
- Reasons, stats etc. for detailed individuals
- Great framework for explaining issues to clients
- Makes their listening easy!

speaking framework

- **OPENING:** acknowledge your audience and intro subject
- **MAIN POINT:** what you want them to remember
- **SUPPORTING POINTS:** evidence, reasons, stats
 - 1.
 - 2.
 - 3.
- **MAIN POINT AGAIN:** so they remember
- **ACTION:** what you want them to do

speaking example

- **SUBJECT:** prepping client for hearing
- **OPENING:** *Thank you for coming in. You have been working really hard on this and it is appreciated. You are well prepared with the facts and we want you to be equally prepared for your appearance before the board tomorrow.*
- **MAIN POINT:** **Doing these three things will make you look confident and well prepared to the board.**

speaking example

SUPPORTING POINTS (the ways):

1. First - answer only what is asked. Don't add any other information to your answer.
2. Second - try not to use jargon unless you absolutely have to.
3. Third - look only at me and not around the room when I am asking you questions.

speaking example

MAIN POINT AGAIN: Doing these three things will make you look confident and well prepared for the hearing.

ACTION: So please do these three things tomorrow.

Any questions?

using the framework

- Use it for speaking 30 seconds or 30 minutes
- It has strength and versatility
- Use it for emails, voice mails, conference calls, speeches, instructing clients or juniors
- it clarifies **communication and thought**
- **It makes for easy listening**

speaking example

- **SUBJECT:** listening skills for lawyers
- **OPENING:** *Thank you for that lovely introduction and it is wonderful to be here with you in Jamaica. My father was stationed here during the war so it has special meaning to me. I know this topic is of great interest to you as lawyers due to the great potential for managing claim liability.*
- **MAIN POINT:** By becoming an effective listener you will not only reduce the risk of a claim but increase client satisfaction.

speaking example

SUPPORTING POINTS (the ways):

1. First – start with non-directive listening.
2. Second – use the 4 checks where appropriate.
3. Third – ensure that your clients have been both fully listened to **and feel** that they have been understood.

speaking example

MAIN POINT AGAIN: By becoming an effective listener you will not only reduce the risk of a claim but increase client satisfaction.

ACTION: So please practice effective listening as often as possible.

summation

- Understand to be understood
- Do the mind meld
- Appear confident and open
- Make it easy for them to listen
- Use the golden rule!

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