

MR IAN MANN (1): WHAT MAKES GOOD CLIENT CORRESPONDENCE?

What makes good client correspondence?

I think determining what makes good client correspondence has to be seen in the light of two things. Number one, the identity of your client – the audience. And number two, the purpose or context of that client correspondence.

Starting with the first, if your client is a fellow professional, and sometimes we have clients that are lawyers, or bankers, or accountants, professionals working for boards of directors for listed companies, those sorts of clients will be hugely sophisticated, highly intelligent and also very used to the type of correspondence that one receives from their lawyers. And so you would tailor your correspondence with those sorts of professional clients in a way that you wouldn't with lay clients or clients who haven't used lawyers before. So it's very important to be respectful of who your target audience is. And particularly with young lawyers, I'm constantly reminding them there is absolutely no need to be pompous, or to show your workings, or to go into a long explanation of what case law you've researched, for what is essentially a simple question deserving a simple answer, and it's so interesting to see the overuse of Latin, the overuse of long overly learned explanations that are far too technical for a client's needs, but more importantly, don't give the client what they want, which is just a simple and reasoned answer. Most clients simply want a short, reasoned answer, and most clients are far too busy to be bombarded with lengthy legal documents showing all of the workings that have resulted in the final conclusion.

The second part of the answer, I think, has to revolve around the context because what are you seeking to communicate with the client? It may be that you are communicating some initial advice, strategy that will take you forward for the next two years of litigation. It may be that you are issuing a one-off opinion through correspondence, telling them the answer is very simple, it's very black and white, the options are very binary. It may be that you are having to withdraw advice that you have previously given - a very difficult form of correspondence to write because there's a balance between not wanting your client to lose confidence in you but at the same time persuading the client that the next step is one that he or she should take. So context becomes important because how formal or casual the means in which you communicate will absolutely be informed by the

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Transcript

context and the stage that you find yourself in with the client.

What are you looking for in the client correspondence that you review?

When I review correspondence that my young lawyers have drafted for me, I am looking for a number of factors. The most important with client correspondence is some element of showing empathy to the clients because no clients come to lawyers in entirely happy circumstances. Whatever the issue – whether it be a purely transactional, i.e. deal-making type of arrangement, or in a contentious situation, i.e. litigation – there will be stresses and concerns that the clients will have. It's very important that young lawyers show some empathy in the sense that they are standing in the shoes of the client and that they are fighting the client's cause. And what's really, really irritating to clients is the feeling that they're receiving correspondence from their lawyers that is perfunctory or cursory and doesn't show that they understand the gravity of the client's situation and that they have compassion for the client's needs. And so, just getting that tone right to express the necessary reaction that the client might have; so, for example, if we're writing to the client to inform them of a discourteous letter from the other side or a derisory offer from the other side or a very difficult point in the negotiations, it's important as lawyers to express an understanding of how the client would react to that and to say, "No doubt you will consider this offer derisory, and we agree." And that, then, makes the client really feel and understand that you genuinely understand the client's situation.

Turning to the more technical aspects of what I'm looking for in client correspondence when I review the work of the initial drafts of my young lawyers, the writing has to be in plain English and clear. There has to be a simple, obvious, logical structure to the correspondence, and the command of the English language has to be no less than excellent.