

## MR IAN MANN (3): ADVICE ON CLIENT CORRESPONDENCE

### **What advice do you have for novice lawyers who are writing client correspondence?**

Novice lawyers, when they're writing client correspondence, need to have a plan. They need to plan out what the particular piece of correspondence will look like. Let's imagine that it is an advice in an e-mail as to the merits of an appeal. That e-mail advice needs to, firstly, set out what logical steps need to be examined before a conclusion can be reached because you absolutely can't simply give clients one-word answers, "Yes, appeal" or "No, don't appeal." Clients deserve, and it's our professional duty to provide them with, reasoned logic. So, planning a strategy in a piece of client correspondence using bullet points is usually the very best way to produce a document or a communication that is useful to the client.

### **What advice do you have regarding the tone of client correspondence?**

Well, young lawyers can adapt from having an overly academic style in their client correspondence to a more practical style by thinking about the client correspondence different to how they used to write their exams at law school. And I have great sympathy for young lawyers because when you write your exams at law school, you are required to, in order to get certain points, you are required to spot certain issues and to cite certain legal principles. And that is to show your workings to the examiner that you understand the law.

In client correspondence, the client doesn't need to be shown those steps in the correspondence because the client only wants to know the answer, and of course, you must show that the answer is reasoned. One really big area where young lawyers can make their work, client correspondence I should say, more practical, as opposed to academic, is doing away with citing case law. Because lay clients are usually not interested in case law at all, they're simply interested in the principle that informs that case law.

Another means of moving away from an academic approach to a more practical approach in client correspondence, is to do away with overly flowery language, florid language, examples of overly florid language that I've seen even recently in correspondence by young lawyers is the use of words

like “modalities”. This is something you might see in the Modern Law Review. You would never see that in normal correspondence between human beings, or to use Latin. It doesn’t help anyone to use Latin. It doesn’t impress upon the client that you’re very intelligent. It simply makes the client think that you are rather distant to them in terms of the commercial realities.

**What practical strategies can novice lawyers take to learn client correspondence?**

A very practical strategy for young lawyers to learn how to write effective client communication is to look at examples of client communications within one’s own firm and that usually happens in a firm like ours. That usually happens because novice lawyers are copied on project groups where there might be numerous lawyers copied because the transaction or the piece of litigation is very large. Those novice lawyers can see how the partner or the senior associates, or the mid-level associates above him or her are writing client correspondence - the sort of tone used, the length or brevity of such correspondence and when that correspondence may be tailored, going back to the point about the identity of the recipient of the client correspondence and the context in which that client correspondence is being written. So, really really paying attention to examples of correspondence around you is key to understanding how to do it well. And in any organisation, client correspondence will have a certain in-house style. And in some firms like ours, our in-house style is well prescribed and written in training manuals. In other firms, it is something that you pick up along the way through a process of cultural assimilation. What do I mean by cultural? Cultural in the sense of how lawyers go about their business and how lawyers in one’s particular firm tend to correspond with clients.