

## How to Handle an Unhappy Client

When a client has a complaint or grievance with your firm, it is imperative that you do what you can to resolve it as quickly as possible. Resolving the problem is not just about addressing the actual problem – it is also about addressing how the client feels about the problem; that is, the client’s anger, frustration, or other negative emotion.

If the client’s first point of contact with your law firm is a staff person, they will be in a unique position to help or hinder your client relations. If a client calls or comes into your office and expresses dissatisfaction, train your staff to address the situation as it arises. Whoever first handles the unhappy client – whether you or a staff person – will have the opportunity either to diffuse the client’s upsetting emotions or to exacerbate the problem.

Initially, ask questions to elicit the facts: “Can I be of assistance?” or “Would it help to explain the situation to me?” If the complaint is complex, take notes so the client won’t have to repeat his or her story. Once the client explains the grievance and the situation becomes clear, you can take three immediate steps that will go a long way toward resolving the grievance and any bad feelings that go along with it.

### Immediate response

1. Acknowledge the complaint. Acknowledging the complaint means receiving the complaint and validating it. It initiates the dispute resolution process and moves it forward. Often, people just want to be heard.

2. Show respect for the individual. Respecting the individual, if not validating the substance of the complaint, is crucial to resolving the dispute. Show restraint toward the client’s emotional involvement in the dispute. Don’t say anything to criticize or belittle clients just because they have complained.

3. Offer a preliminary response. Empathize with the client, sympathize with their situation, or apologize for the mistake or oversight, if appropriate, as described below.

### The “I’s” have it

Empathize with how the person feels. For example, if the client has become frustrated and annoyed by unreturned calls, you can say that you would feel the same if you were in a similar situation. However, be careful that your staff do not cross over the line into assigning blame. Keep responses general.

Sympathize with the person’s situation. Even if you cannot identify with the client’s feelings (to empathize), you can sympathize with the situation (to support the person and share their discomfort). “I sympathize with your plight. Unfortunately, it’s unavoidable.”

Apologize, when it is appropriate and doing so will not subject the firm to a potential legal malpractice claim. Instruct your staff on the difference between a mistake that incurs legal liability and a mere client relations snafu. Make sure your staff is not giving legal advice, admitting to a legal error, or promising to correct something that only you as the attorney are authorized to do.

*Continued on page 2*

### DISCLAIMER

IN BRIEF includes claim prevention information that helps you to minimize the likelihood of being sued for legal malpractice. The material presented does not establish, report, or create the standard of care for attorneys. The articles do not represent a complete analysis of the topics presented, and readers should conduct their own appropriate research.

## Remember the following important points

● Get as much information as you can at the outset, if the client wants to tell you and is not revealing confidential information in the reception area or within earshot of third parties.

● Don't accept or place blame.

● Don't lose your temper. Use a courteous and professional demeanor at all times. If you can't, end the conversation as soon as possible.

● Don't take the complaint personally.

● Don't interrupt the client's comments.

● Give your full name and the name of your supervisor, if requested.

● Don't make promises you can't keep. If you are unsure how to respond, say that you will take the matter up with your supervisor and that someone will follow up with the client as soon as possible.

Although staff should make every effort to listen to the client's complaint, they shouldn't have to accept abusive language. If a client is verbally mistreating a staff person, instruct staff that it is okay to cut the conversation short and have the supervising attorney deal directly with the client.

DEE CROCKER  
PLF PRACTICE MANAGEMENT ADVISOR