

# The client-focused lawyer

BY WILLIAM D. HENDERSON

Professor of Law at Indiana University Maurer School of Law—Bloomington and Director, Law Firms Working Group

**T**HE MAJORITY OF MY RESEARCH over the last three years has focused on lawyer competencies — or what I prefer to call lawyer success factors. The deeper I delve into this topic, the more I discover that the majority of success factors are not taught in law school. It is not that law professors are deliberately ignoring something important. Rather, we are not even aware that something beyond legal knowledge and technical skills are necessary for success.

My research shows that the single best predictor of success and satisfaction as a lawyer is the ability to become truly client focused. Yet, in most law school classes, the emphasis is on winning the case rather than meeting the needs of the client. When

students graduate, they fail to appreciate that their first client is a partner, judge or agency supervisor. This greatly hinders a successful transition to practice.

Everyone has heard the old saying that law school teaches students how to think like a lawyer. This is accomplished by guiding students through a series of appellate opinions, to demonstrate how a particular “black letter” rule produces different legal outcomes depending upon the facts — hence the endless stream of law professor hypotheticals.

Occasionally, the law fails to yield a predictable answer. Law professors like to focus on this indeterminacy because it makes for great exam questions (and law review articles). Students who deftly handle the gray area tend to get the highest grades. It is also how the law professoriate replicates itself.

Once in the world of practice, however, clients hire lawyers to solve problems, not manufacture ambiguity. Before giving any advice, or taking any action, we need to understand the true nature of the problem. This requires us to ask open-ended questions, to listen, to gather missing facts, to put ourselves in the client’s shoes, to find an appropriate and effective way to convey to the client that we understand the problem, to listen some more and then to prescribe a course of action, or, alternatively, to candidly admit that we cannot provide a cost-effective solution.

In my hundreds of conversations with lawyers over the years, the one common factor I have noticed with happy (and typically financially successful) lawyers is their ability to connect with clients by earning their trust. Why, then, is this skill set missing from the law school curriculum?

I think law professors fail to appreciate that what is necessary to solve a client’s problem — legal knowledge and technical skills — is not necessarily sufficient. When we truly focus on the needs of the client, we become aware of our own limitations as counselors and strategists. Because many of us want to feel expert and important, we too readily conclude that technical mastery is all that clients need or want. So our professional skill set remains incomplete. Law professors are especially prone to over-swinging the technical hammer because our prestige and livelihood does not depend upon our ability to deliver value to actual clients.

In his book, “The Trusted Advisor,” the professional services guru David Maister describes the difficulties of becoming client focused. As the client relates his or her problem, our minds race to formulate words that will make us sound expert — not unlike the anxiety of the entire first year of law school.

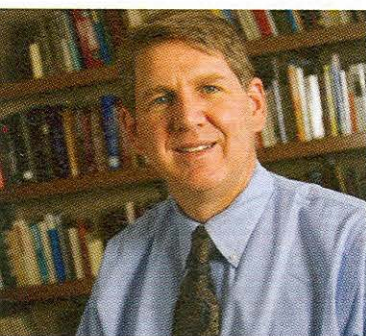
“If we are honest and strip down all of these distractions to the core, we are likely to find some form of fear at the root. It may be fear of embarrassment, or failure, of appearing ignorant or incompetent, or fear of loss of reputation or security,” Maister writes.

Maister notes that professions like law attract a disproportionate number of people who are prone to fears. We compensate, of course, by overachieving. This includes the academic marathon of law school. Maister warns that the strength of technical mastery all too often becomes an impediment to developing relationships and thus developing a strong client following.

I have observed this same pattern in my work with law firms. We see entry-level lawyers spiking on measures such as “quality focus” and “analytical reasoning.” Highly successful partners share these attributes. But they also spike on measures like “customer focus,” “innovation,” “problem solving” and “fearlessness.”

Clients are not the best judges of our technical abilities. Yet they are capable of sizing up our motives. When we step out of our comfort zone to truly listen to clients’ problems, and to ask questions that reveal our own lack of understanding, we demonstrate our sincere desire to help. This enables us to connect with our clients and earn their trust. Lots of lawyers are willing to sell them legal advice. But are you interested in solving their problem?

For readers interested in learning more on how to connect with clients, I recommend “The Trusted Advisor,” and Patrick Lencioni’s “Getting Naked: Overcoming the Three Fears that Sabotage Client Loyalty.” I am happy to say that both of these authors are influencing the curriculum at Indiana Law through our 1L Legal Professions course. My colleagues are trying to be client focused.



Professor Henderson