

Workshop on Improving Client Relationship Skills

Saturday, 20 July 2024

University of Amsterdam Law Hub

Co-sponsored by

[Amsterdam Centre on the Legal Professions and Access to Justice,](#)

University of Amsterdam

[Osgoode Professional Development,](#) Osgoode Hall Law School,

York University (Canada)

[National Institute for Teaching Ethics & Professionalism,](#)

Georgia State University College of Law (USA)

Program

- 12:15 – 12:30 Arrival – pick up lunch
- 12:30 – 12:40 Welcome
Prof. dr. drs. Iris van Domselaar
Director, Amsterdam Centre on the Legal Professions and Access to Justice
Tim Verheij
Coördinator, Onderwijs & Rechtshulp – Amsterdam Law Hub
- 12:40 – 13:00 Workshop overview
Prof. Clark D. Cunningham, Georgia State University College of Law
Director, National Institute for Teaching Ethics & Professionalism (USA)
- 13:00 – 13:20 Learning client relationship skills – what Dutch legal aid clinics do
Tim Verheij

Program

- 13:20 – 13:50 Simulated Clients – theory and practice
 Prof. Paul Maharg, Osgoode Professional Development
- 13:50 – 14:50 Demonstration and discussion of online simulated client meeting
 Live Zoom from Osgoode Professional Development
- 14:50 – 15:10 Break-out group discussion of possible applications of simulated
 client methodology in different settings
- 15:10 – 15:30 Reports from break-out groups and possible next steps
- 15:30 – 16:30 Optional social hour

What do clients most care about?

CLIENT PERCEPTIONS OF LITIGATION

WHAT COUNTS: PROCESS OR RESULT?

Tom Tyler, *Trial Magazine* (1988)

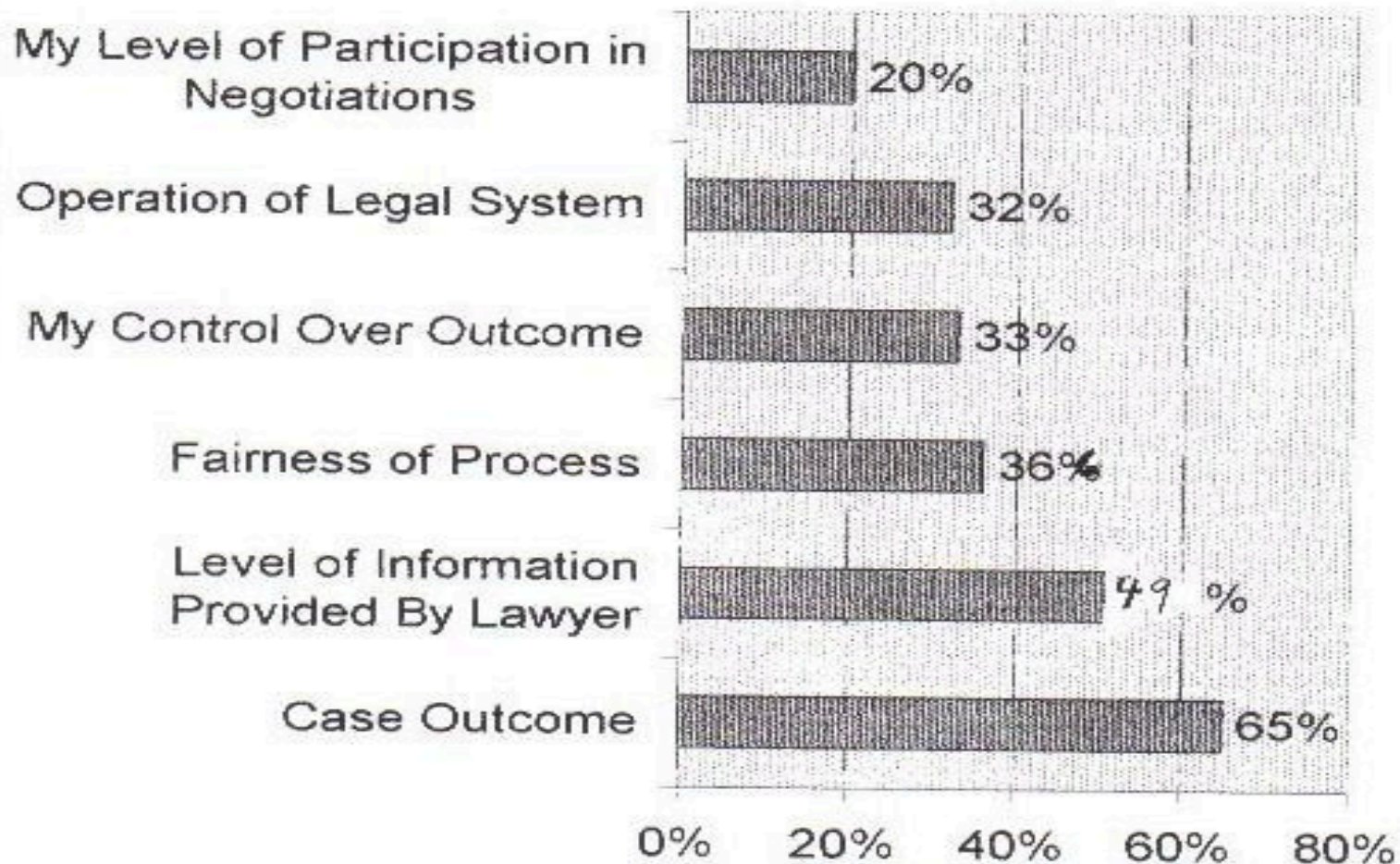
- Clients care **most** about the process
 - having their problems or disputes settled in a way that they view as fair
- second most important is achieving a fair settlement
- **least** important factor is the number of assets they end up winning.

PLAINTIFFS AND THE PROCESS OF LITIGATION:

An Analysis of the Perceptions of Plaintiffs Following their Experience of Litigation

Tania Matruglio (Civil Research Centre Australia 1994)

Satisfied With



LawCover Study

- Australia's largest indemnity insurer
 - Commissioned a Risk Management Project
 - Sample from over 2000 claims
 - Extensive & confidential interview with each lawyer
 - In most cases also interviewed the lawyer who defended the claim.
- Major Causes of Claims
 - *not* dissatisfaction with outcome
 - But instead the handling of the client relationship
 - Failure to
 - listen to the client
 - ask appropriate questions
 - explain relevant aspects of the matter

Australia: Client Satisfaction with Specialists' Services

- Widespread client satisfaction with the specialists' legal knowledge and skills
- Consistent evidence of client dissatisfaction with the provision of services

Different ideas of competence

- Practitioners and clients were selecting divergent indicators of performance
- Practitioners concentrated on knowledge and skills to deliver outcomes
- Clients expected both competence and positive results
- But were disappointed by the process of getting there

Clients complained about

- Inaccessibility
- Lack of communication
- Lack of empathy and understanding
- Lack of respect

Additional Training Recommended

- client focused rather than transaction focused
- client needs are not confined to attaining objective outcomes
- listen to clients more attentively
- diagnose their various levels of needs
- demonstrate empathy

Value of Experience for Client Communication

- Study by Prof. Avrom Sherr (U of London)
- 143 actual 1st interviews
 - 24 % trainee solicitors
 - 76% experienced solicitors
 - 70% at least 6 years
 - 23% more than 11 years
- High percentages of ineffective interviews
 - Experienced solicitors generally no better

Common Problems with All Solicitors

- 51% failed to get the client's agreement to advice or plan of action
- 76% failed to confirm with client the solicitor's understanding of the facts
- 85% failed to ask before ending whether there was anything else the client wanted to discuss

Where There **Were** Differences Between New and Experienced Solicitors

- Experienced solicitors
 - Used less legalese
 - Better at “filling in the gaps”
 - Rated their own interview performance higher than did trainee solicitors
- But the clients saw no difference in performance between trainees and experienced solicitors



Law Firm Competency Models 2020 Survey of 50 US law firms by National Association for Law Placement (NALP)

90% of competency models included:

- **Responsiveness to Clients,**
- **Understand Client's Business/Concerns**



National Conference of Bar Examiners (USA) NextGen Bar Exam

~ Seven Foundational Skills

- Legal Research
- Legal Writing
- Issue Spotting and Analysis
- Investigation and Evaluation
- Negotiation and Dispute Resolution
- **Client Counseling and Advising**
- **Client Relationship and Management**

2000 Research Study

Law Society of England & Wales

Hillary Sommerlad & David Wall: Legally Aided Clients and Their Solicitors: Qualitative Perspectives on Quality and Legal Aid

- Interviewed 44 clients of 21 different solicitors in the north of England.

2000 Research Study

Law Society of England & Wales

- 50% said that they had previously used a solicitor whom they did not like.
- Those 50% were then asked an open-ended question:
 - “Why were you disappointed?”

I went to [my current solicitor]...

- because of her reputation and expertise
- she is a part-time registrar and has a big reputation as a specialist in this area
- but SHE JUST DOESN'T LISTEN.
- She listens for part of what I have to say, and then interrupts, saying something like
- 'OK, I've got the picture, what we'll do is ...'
- and she hasn't really got the picture, she's only got half the facts.

I think it's partly because ...

- she is so busy
- and also because she's simply not used to giving clients a voice.
- What's more she has actually made me frightened of expressing my views.
- I am about to change to another solicitor.

Listening

- I sent my former solicitor packing because SHE WOULDN'T LISTEN. That is absolutely fundamental; this was my case, only I knew the full circumstances."
- "They must be able to give you time. If solicitors haven't got enough time, they can't get enough out of you. You have to have time to be able to *tell your story.*"

Explaining

- “At my first meeting with [my current solicitor] ... I was impressed by his natural ability to talk about technical things with knowledge, but on a level that I could understand.
 - we actually talked and he explained in clear language
 - Other people just had a job to do, but [he] took time to clearly explain technical things.
 - He explained how the system works.”
- “She speaks of legal matters in a way that is knowledgeable and she explains it well.”
- “She communicates clearly. She puts things in layman’s terms.”

13 Clinical Law Review 1 (2006)

VALUING WHAT CLIENTS THINK: STANDARDIZED CLIENTS AND THE ASSESSMENT OF COMMUNICATIVE COMPETENCE

KAREN BARTON, CLARK D. CUNNINGHAM,
GREGORY TODD JONES & PAUL MAHARG*

An international and interdisciplinary team from the Glasgow Graduate School of Law (GGSL) and the Dundee Medical School - in Scotland - and the Georgia State University College of Law (GSU) - in the United States - has undertaken an ambitious project to change the way lawyer-client communication skills are taught and assessed.



Standardized or Simulated Patients in Medical Education

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Human Simulation Education Center

Human Simulation Education Center

"We enhance human interaction."

A photograph showing a simulated patient (a woman in a white hospital gown) sitting and talking to a medical professional (a woman in a white lab coat) who is sitting and listening. A clock is visible on the wall behind them.

The Human Simulation Education Center (HSEC) is used for simulated patient education, clinical skills education, and other educational experiences. It contains four suites, each of which contain a central debrief room with projection capability and 4 examination rooms equipped with examination table and standard clinic equipment.

Simulated patients are skilled professionals who are trained to present clinical scenarios in a standardized fashion to each learner, thus earning the title of “standardized patient.” They present the history in a certain manner, simulate abnormal physical findings, and provide feedback to learners about bedside manner, professionalism and communication skills.

Cameras and sound equipment in each exam room allow each experience to be recorded. Faculty can watch the patient interaction live via a web based program or can watch the recording after the fact. A software program provides ease of grading these encounters using a checklist and/or comments.

Current status of SCI projects (Paul Maharg)

University of Strathclyde Law School (Glasgow, Scotland) Diploma in Legal Practice	WS (Writers to the Signet Society) (Edinburgh, Scotland) Signet Accreditation
State of New Hampshire (USA) Alternative to the Bar Exam (Webster Scholars Honors Program Univ of New Hampshire Law School)	The Australian National University College of Law (Canberra, ACT, AUS)
Northumbria University Law School (Newcastle, England)	Kwansei Gakuin University Law School (Osaka, Japan)
Hong Kong University Faculty of Law (Hong Kong)	The Chinese University of Hong Kong (Hong Kong)
Nottingham Trent University Law School (Nottingham, England)	Newcastle University Law School (Newcastle, England)
Osgoode Hall Law School/ OPD (Toronto, Ontario, Canada)	University of Windsor Faculty of Law (Windsor, ON, CA)
Flinders Law School (Adelaide, S. Australia, AUS)	Solicitors Regulation Authority (England & Wales) Solicitors Qualifying Examination Pt2
Canadian Centre for Professional Legal Education (CPLLED, Provinces of Alberta, Calgary, Manitoba, Nova Scotia, Saskatchewan)	Law Society of Ireland (Dublin, Ireland)
National Centre for Skills in Social Care (London, England)	

Transitioning Simulated Client Interviews from Face-to-Face to Online

Paul Maharg & Angela Yenssen

13 European Journal of Law and
Technology No. 3 (2022)

