

Pro Tip For Lawyers, Young And Old: The Prompt Response

By Robert W. Wood

Whether newly minted or old (like me), many lawyers might find value in some of these simple communication tips, even if they seem obvious. I use them as a tax lawyer, but they may apply to virtually any law practice and even beyond. Let's start with (prompt) replies.

Most of us do not reply to everything, but replies are helpful so clients, colleagues and co-counsel are all on the same page. Consider responding promptly to emails and other items, perhaps:

"Thanks for your _____, and I'll look into your questions [or comments or whatever] and get back to you as soon as I can."

I call such initial "received" responses "placeholders." Whatever else they are, they are courteous. You can make them more specific, such as saying you'll respond in a few days, on Tuesday, or by 10 pm. Responses can buy you time, too, so you can respond later in a more substantive way. You may find that you do a better and more thorough job of responding when you do.

If a client asks a question by email, replying that you'll look into it shows you are working on it. If you don't respond at all until you are ready to address the substantive question, the client may already be anxious, or may ask someone else. Placeholder responses can facilitate better focus, too. Rather than not responding for days and then looking in depth at the legal issue queried, a placeholder might say:

"I received your query about the fish oil excise tax, and will get back to you next week when I'm back from Bophal. Is that timing OK? You're talking about the cod oil tax, not the eel tax, correct?"

Placeholders are more effective if prompt. If you wait too long, the client may be upset he hasn't heard *anything*, may expect a substantive response, or may have asked other counsel. The same applies to documents. When a client sends you a document to review, respond that you received and will review it. You may be able to buy time too:

"Got your FedEx, thanks. Is tomorrow OK, or can we discuss this in Cleveland next week?"

From a billing perspective, there may even be marginal utility to responding first with a placeholder and later substantively. If you multiply that experience over a monthly billing cycle, the client will have several interactions per question. A client with more interactions may be more forgiving of a big bill than a client with a few.

Reply to voicemail too. If I leave my lawyer a voicemail saying, "Be sure to change the first word on page three from 'questionable' to 'worthless,'" I want to know he got the message. I don't want to wait a day or a week for the final version to show up so I can verify it. I also don't want to have to call (or email) again to say, "Did you get my voicemail message and make the change?"

So, call back or email saying you got the message. It only takes a moment, is common courtesy, and is a good habit. Similarly, if your client or supervisor leaves you a voicemail on Sunday saying you need to be in Cleveland Monday, don't just go. First, say you got the message and you'll be there. If you just show up, you may find someone in your place. The same applies to other assignments, no matter how small.

If a client (or another lawyer) says, "I need this Petition prepared and filed by 5 pm," don't just do it. First say "Sure, I'm on it." It lets the person know you are responsive, and they can mentally cross this problem off their list. It can buy you time and goodwill, and allows you to raise questions, as in, "Sure, I'll have them filed by 5 pm. Is it OK if I file them electronically, or do you prefer FedEx?"

It can also help ward off problems. If client (or senior partner) emails on Saturday saying, "It looks like the Smith filing didn't include the statute of limitations argument," you may help diffuse the situation if you respond promptly.

"I think it was included, but I'll confirm one way or the other on Monday. I know we had been debating it. Is that OK?"

Keep clients informed too. Consider copying clients on letters and emails unless there's a reason not to. Some clients don't want to be copied, and some internal discussions are best left internal. Otherwise, copying the client is courteous. If the communication is with opposing counsel and you do not want the client as a CC, you can always forward your communiqué to the client:

"So you can see where we stand on the disagreement, here is the latest email exchange below."

That applies to items you receive from others, too. Even if you think the client may have received a copy directly, be doubly sure by sending it to the client:

"You should have received a copy of this directly from the IRS, but in case that process failed (as it sometimes does), I'm enclosing a copy. Please let me know if you have any questions."

You can combine this with a placeholder, such as:

"I'm enclosing a brief we just received from the IRS. We're reading it and will get back to you soon with thoughts about a response."

Clients like to feel you are keeping them informed. Sending updates can even help justify fees, so the client sees the level of activity, even that behind the scenes. Constantly think of what clients and colleagues might find interesting. If you see something relevant, send a copy with a note or email:

"I thought you might be interested in this recent case."

It can build goodwill and help communication. For example, if you send five reported cases to a client over six months that are similar to hers with an FYI—and later have to discuss a mediocre settlement—alluding to the cases you've been sending may ease your discussion. But the primary reason to do it is to show you're on the case, engaged, and always watching for developments.

Sometimes you'll violate your own rules, but that doesn't mean you should stop trying to obey them. Make lists of what works for you and what doesn't. Try different things, be engaged, and enjoy yourself.

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