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## **Why lawyers can't hear**

By Carl Michael Rossi

"My lawyer doesn't listen to me!" "She doesn't care!" "He isn't interested in me, he just keeps telling me what to do!"-

I hope you've never heard these comments directed to you, but the odds are you have, even if you are a very good attorney. No client complaint is more common. Not even billing complaints.

How can that possibly be? You sat patiently as your clients went on about all the circumstances around the issue. Every chance you got, you focused your clients on the issue at hand and had them provide the details that you need to solve the problem they brought to you. And you've told them what they need to do to solve the problem. So what are they upset about?

You did everything law school taught you to do. Recognize and analyze the pertinent legal issues, elicit relevant facts and come up with a strategy to solve the problem. Well, that is what they are upset about.

Let me explain. Robert Bolton, in his book *People Skills*, describes 12 common roadblocks to communications. Activities by the "listener" that almost guarantee that the "speaker" will form a belief that she or he is not being heard. In short, they end up believing that the person they're speaking to doesn't care about them.

Look at just two of these roadblocks:

- Excessive questioning. Questions that ask for what's important to your checklist send a direct message that you are more interested in that than you are in what's important to your client.
- Giving advice. Telling your client what she or he must do sends the message that they are inferior and incapable of running their own life.

"My god, man, you've just told me that what I do for a living — find the elements of a case in my client's situation and tell them how to change that situation — is the very thing that annoys my clients most!" Well, yes and no.-

You know that your clients are people, not case summaries in a tort law textbook. You do care about them. But how can you communicate to them that you care and get "the job" done?-

It is possible to do both. As attorneys we have developed particular skills. Our lawyer skills of issue recognition, and relevant fact determination and problem solving — are valuable skills. We are also always working to develop additional skills. Effective listening skills can be learned.

Effective listening involves accepting the agenda as established by the speaker; an appreciation that whatever is said is important to the speaker. Rebecca Z. Shafir, in *The Zen of Listening*, describes this as getting into the speaker's "music." Once you have accepted that you genuinely do care about your client

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## Message

getting into the speaker's movie. Once you have accepted that you genuinely do care about your client, you can learn the skills that communicate that concern to your client.

Once your client experiences your genuine concern, she or he will find it much easier to focus on the details you need to assess the case. They are less likely to call you to find out if you are working on the case. You will receive much fewer complaints; and many more referrals.

Learning the skills that communicate your genuine concern for your clients is a great way to both increase your business and make it less stressful.

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