

Mississippi Legal Professionals Assoc.
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Ethics Presentation

by

Joy Lambert Phillips
Hancock Whitney
SR. EVP, General Counsel
& Corp. Secretary

Do's & Don'ts from a Client's Perspective

(Or Tips on How to Keep from Being Fired
or Getting a Bar Complaint)

By: Joy Lambert Phillips

I have worked at two different law firms in my career, one as an associate and one as a partner. Here are some practical do's and don'ts I wish someone had given me when I was in private practice; I offer them from my perspective as in-house counsel and as someone who may be your client now or in the future:

DO

1. Return phone calls or emails promptly. If you cannot, have someone in your office call/email back and acknowledge it and find out whether it is an emergency. This is a common complaint from clients. If I don't hear back that day, I have to wonder (a) if you got the message and are ignoring me; (b) if you never got the message because you are out of town or unavailable; or (c) if the message was misplaced or caught in your spam folder.
2. Meet promised delivery deadlines, but if something unexpected causes a delay, then notify us immediately – as opposed to after the time has passed. Make us look good by delivering timely and responsive work product.

3. Offer to do some free training or in-house seminar – we like lagniappe.
4. Review bills carefully before sending; if you write off time, yours or an associate's, make sure and show us that – take credit for it.
5. Treat us with respect as a fellow lawyer and a client, but we know when we are being unduly praised. A little goes a long way.
6. Treat us as individuals, not just a paycheck. Briefly ask about our families; ask how our holidays were. It is nice to have some personal connection, but again, a little goes a long.
7. Take the time to write a thank you note or at least call/email to express your appreciation when you have received a referral, whether from a client or another lawyer. On the flip side, if you refer a client to another lawyer, be sure and refer the matter to a firm with an office culture as close to your own as possible. The referral is a reflection of you and if the client is treated well – great, but if not, then it is a negative reflection on you.
8. Be mindful of our time. We wear many hats and have our own busy schedules and deadlines, so give us reasonable time to gather documents and/or respond to your questions.
9. Keep us apprised of filing deadlines and court settings. Unless instructed otherwise, offer to let us review pleadings before they are filed.

10. Finally, and once again, return phone calls/emails promptly and meet promised deadlines. If you just cannot meet a promised deadline because of something unexpected – call us and tell us ASAP. Remember that communication is the key.

DON'T

1. Patronize us. We may not know as much as you do about patent/trademark law, but remember that we did go to law school and we pay your bill; don't puff up and try to impress us by over complicating something.
2. Over commit. Don't promise us something tomorrow if you know you can't deliver – make every effort to accommodate us, but if you just can't do it then tell us and give us a date when you can have it done – let us choose whether to wait. You make us look bad when you miss the promised deadline – our companies look to us for quality/timely legal services and they blame us when you are late.
3. Tell us you are too busy to handle our work right now because you are working on a more important project for another client. Just tell us you have committed your time elsewhere already, but tell us when you can do it and again, let us make the choice. No

client wants to be told that someone else's work is more important.

4. Bill us for the cost of lunch or for your time spent at lunch, even if we did talk business for a few minutes. This has happened! It may not be unethical but it is poor judgement and poor client relations.
5. Treat us like your best friend (unless you are) and tell us how overworked you are, how the firm doesn't understand you, etc. No offense, but we didn't call to hear your problems and certainly do not want to be billed while you unload on us.
6. Discuss other clients or their cases with us. First of all, I don't care unless it is juicy gossip and then you are probably breaching the attorney-client privilege or at least an expectation of confidentiality. Also, remember that everyone is a potential client, so don't bad-mouth a client to a neighbor or church member – they will remember that you talk about your clients behind their backs.
7. Wait until after a deadline and then make excuses for not delivering on time. Remember – you may be a great lawyer, but we still have the choice whether to use you or not in the future.
8. Overstaff a file or go over budget without advising us.

9. Miss a discovery or other filing deadline, or wait until the day of the deadline to send an “urgent” request to us for information or documents that are critical.
10. Draft status updates, memorandums or correspondence to a company officer in legalese. We don’t have time to continually translate your communications for management. It should not take a law degree to understand what you are saying. We need practical understandable advice.

These do’s and don’ts may seem simplistic or common-sense to some, while others may think they are harsh or over-bearing. I offer them as a sincere effort to share concerns expressed by a number of in-house counsel, as well as non-attorney clients. While some are more applicable to corporate clients, most apply to all types of clients. It goes without saying that you have to have the experience and expertise to do the task you are hired for, but that is not always enough. Finally, since this is supposed to be an ethics presentation, it should be noted that individual clients may file bar complaints if they are unhappy, but corporate clients usually just stop using you (and you may never know you were “fired”).