

But What is Their Story?
52 **EMORY LAW JOURNAL** 1147,1149-50 (2003)
Clark D. Cunningham
W. Lee Burge Professor of Law and Ethics,
Georgia State University College of Law, Atlanta, GA.

*This transcribed presentation for the Symposium on Ethics and Professionalism was based on research contained in an unpublished manuscript by Clark D. Cunningham, *What Is Their Story?*, available at <http://law.gsu.edu/Communication/AmistadEssay/.htm> (last visited 6/11/03).

... This website that I mentioned before, among other things, contains information about a pilot project that the Effective Lawyer Client Communication Project is working on now. This pilot project is an effort to try to develop a standard methodology for getting better information about how clients experience the initial interview than I think we currently have. Lawyers, by and large, don't systematically measure client satisfaction or client experience, even at the end of a representation. And they certainly don't do so at the beginning of a representation.

One part of several pieces of methodology in this project is to have this simple one page form filled out by clients immediately after the initial meeting with the lawyer before they leave the office, when the experience is fresh in their mind and when you can obtain almost a hundred percent response rate. This is not just a client satisfaction form. The last question, "If I come back to this office with a different need for legal help I would want the same lawyer to help me," is intended to be the closest thing to a general satisfaction measure. But we're looking at other things as well, for example:

- 1) the lawyer said things I didn't understand.
- 2) The lawyer did not understand what was most important to me.
- 3) The lawyer asked confusing questions.
- 4) I did not say everything I wanted to say.

If the client agrees with any of these items, the client *is right*. One of the things that happens with lawyers is that if clients are dissatisfied they tend to interpret that dissatisfaction as caused by unrealistic expectations, especially if they are dissatisfied at the end of the matter. But if a client tells you "the lawyer said things I didn't understand," then the lawyer *did* say things the client didn't understand. There's just no question about it. (By the way, you'll notice that there is a flip side to the form, where the client has a free response area, so that if they said "the lawyer said things I didn't understand" they can indicate what they didn't understand here.)

At the same time that the client is filling out this questionnaire, the attorney is filling out this form, which is a kind of mirror image of the client questionnaire. For example, if the lawyer "strongly agrees" with item eight, then the lawyer is saying, "Well, in my opinion the client thought I asked confusing questions." So one of the things these two forms do when read together is to give a pretty good measure of how accurate the lawyer was in his or her estimation of how the client experienced the initial interview.

Our hope with the project at this point is to develop a kind of standard instrument that could be used in many different settings, which would give us a way of really measuring how effective communication is at the initial interview.

This survey will not be seen by anyone until this office decides whether to represent you. If this office decides to represent you, a supervising lawyer will review your answers. Your answers will not be shown to the lawyer who interviewed you unless you check the box at the end of this form.

For questions 1-10, please indicate how much you agree or disagree with each statement about the lawyer who interviewed you. For each item, you may circle any number corresponding to the scale below.

	-4	-3	-2	-1	0	+1	+2	+3	+4
	strongly disagree		disagree		not sure		agree		strongly agree

The lawyer

1. Made me feel comfortable.	-4	-3	-2	-1	0	+1	+2	+3	+4
2. Said things I did not understand.	-4	-3	-2	-1	0	+1	+2	+3	+4
3. Treated me with respect.	-4	-3	-2	-1	0	+1	+2	+3	+4
4. Did not understand what was most important to me.	-4	-3	-2	-1	0	+1	+2	+3	+4
5. Listened to me.	-4	-3	-2	-1	0	+1	+2	+3	+4
6. Did not explain what he or she would do next for me.	-4	-3	-2	-1	0	+1	+2	+3	+4
7. Was interested in me as a person.	-4	-3	-2	-1	0	+1	+2	+3	+4
8. Asked confusing questions.	-4	-3	-2	-1	0	+1	+2	+3	+4
9. Was someone I could trust.	-4	-3	-2	-1	0	+1	+2	+3	+4
10. Understood why I needed legal help.	-4	-3	-2	-1	0	+1	+2	+3	+4

For questions 11-13, please indicate how much you disagree or agree with each statement.

11. I did not say everything I wanted to say.	-4	-3	-2	-1	0	+1	+2	+3	+4
12. I know what I need to do next.	-4	-3	-2	-1	0	+1	+2	+3	+4
13. If I came back to this office with a different need for legal help, I would want the same lawyer to help me.	-4	-3	-2	-1	0	+1	+2	+3	+4

Show my answers to the lawyer who interviewed me.

We ask about the following information to help us improve the client survey. Please skip any question if you do not want to provide the information.

Age _____ Last school degree: _____ Jr. High _____ High School _____ 2 yr. College _____ 4 yr college _____ Graduate School

_____ White _____ Black _____ American Indian _____ Hispanic _____ Asian Other: _____

_____ Male _____ Female Your first language: _____ English _____ Spanish Other: _____

NOW PLEASE TURN OVER THIS FORM FOR ADDITIONAL QUESTIONS.

For questions 1-10, please respond by imagining how the client would respond if asked the question.
 We realize this is a difficult task and may involve some guessing on your part. For each item, you may circle any number corresponding to the scale below.

	-4	-3	-2	-1	0	+1	+2	+3	+4
	strongly		disagree		not		agree		strongly
	disagree				sure				agree

The client...

1. Felt comfortable.	-4	-3	-2	-1	0	+1	+2	+3	+4
2. Did not understand some things I said.	-4	-3	-2	-1	0	+1	+2	+3	+4
3. Felt treated with respect.	-4	-3	-2	-1	0	+1	+2	+3	+4
4. Felt as if I did not understand what was most important to him or her.	-4	-3	-2	-1	0	+1	+2	+3	+4
5. Felt like I listened well.	-4	-3	-2	-1	0	+1	+2	+3	+4
6. Felt like I did not explain what I would do next for him or her.	-4	-3	-2	-1	0	+1	+2	+3	+4
7. Felt like I was interested in him or her as a person.	-4	-3	-2	-1	0	+1	+2	+3	+4
8. Thought I asked confusing questions.	-4	-3	-2	-1	0	+1	+2	+3	+4
9. Trusted me.	-4	-3	-2	-1	0	+1	+2	+3	+4
10. Thought I understood why he or she needed legal help.	-4	-3	-2	-1	0	+1	+2	+3	+4

For questions 11-17, express your own opinion, indicating how much you disagree or agree with each statement.

The client...

11. Did not say everything that he or she wanted to say.	-4	-3	-2	-1	0	+1	+2	+3	+4
12. Knows what he or she needs to do next.	-4	-3	-2	-1	0	+1	+2	+3	+4
13. Would want me to help him/her, if the client came back to this clinic with a different need for legal help.	-4	-3	-2	-1	0	+1	+2	+3	+4
14. Seemed confused.	-4	-3	-2	-1	0	+1	+2	+3	+4
15. Told me the whole story.	-4	-3	-2	-1	0	+1	+2	+3	+4
16. Had unrealistic goals.	-4	-3	-2	-1	0	+1	+2	+3	+4
17. Did not tell me the truth.	-4	-3	-2	-1	0	+1	+2	+3	+4

We ask about the following information to help us improve the survey. Please skip any question if you do not want to provide the information.

Age _____ White _____ Black _____ American Indian _____ Hispanic _____ Asian Other: _____

_____ Male _____ Female Your first language: _____ English _____ Spanish Other: _____