How to be an Effective Client

By Steve Wienczkowski

When you find yourself in need of a civil litigation attorney, it can be a daunting experience. Choosing an attorney to represent you is an important first step, but your role in the process certainly should not end there. Clients often underestimate how critical it is to stay engaged in their cases throughout litigation. While hiring a good lawyer is of course important, you will achieve the best results if you approach litigation as strategically and as disciplined as your attorney. There are five general traits I have observed in clients who have been able to alleviate the stress associated with litigation and achieve a successful outcome.

1) Honesty. Honest communication with your attorney is imperative. It is so fundamental to our justice system that the courts protect attorney-client communications from disclosure. While this may sound simple enough, it is sometimes easier for a client to gloss over embarrassing or bad facts, especially in the beginning of the attorney-client relationship. However, doing so significantly diminishes a client's chance for success. Most bad facts come to light during the course of litigation anyway, so the last thing you want to do is put your attorney in the position of being unprepared to address those facts. The best representation happens when your lawyer knows all relevant facts up front.

2) Keeping your emotions in check. This may be the most difficult task. It is of course natural to be emotional about your case. After all, you would not be involved in litigation unless you were wronged by someone or someone is accusing you of wrongdoing. There is certainly a place for emotions in litigation, but you should not allow those emotions to control your decision-making process. Litigation is expensive, time-consuming, and stressful. Making decisions based upon emotions only makes it worse.

3) Being prepared early on in litigation. The most effective clients come to their first meeting with their attorney with a firm handle on the facts of their cases. This entails reviewing all relevant documents and being able to recite the timeline of events accurately and with ease. Do not wait to dive into the relevant documents in your case, and do not expect your attorney to immediately have the same understanding of the facts as you do. It is a collaborative process, and your involvement and preparation is critical for success.

4) Understanding the other side's position. There is no such thing as a "slam dunk" case in litigation. There are always facts and arguments the other side can present against you. You may get annoyed with your lawyer when he or she starts to play "devil's advocate" and argues the other side's position. You did not hire a good lawyer if this is not done, and it is imperative that you understand the other side's position. It not only ensures that you will be a more effective witness at trial, but it also helps you weigh the difficult choices you will have to make at each step of the process.

5) Being realistic and open about your expectations. Ask your lawyer early and often as to the best-case-worst-case scenarios, and always be clear as to what you want your lawyer to help you achieve. The landscape of your case can change suddenly and without warning. For example, you may learn facts from the other side which helps your position, such that you should take a firmer stand about potential settlement. Alternatively, you may receive an adverse decision from the court which decreases your odds of prevailing. These developments are often out of your control, and you must adjust your expectations accordingly. Be open and honest about those expectations. The effective client will constantly communicate his or her expectations as the case develops.

As a lawyer, there is no greater satisfaction than seeing a client happy at the end of a case. When a client stays engaged in the process and adheres to the general principles listed above, success is more likely. FGMC welcomes the opportunity to help you achieve the best possible results for your case.