



## What Lawyers Can Learn from BP's Meltdown

In a [recent poll](#) conducted by CBS News, 70% of respondents disapproved of how [British Petroleum is handling the Gulf oil spill](#). It seems whenever BP executives speak, their comments only fuel the fire. Witness the infamous "[I'd like my life back](#)" (BP CEO Tony Hayward) and Chair Carl-Henric Svanberg's "[We care about the small people](#)." But this post isn't about BP, the oil spill, or any related political/environmental topic, as important as those issues are. It's about perception, communication skills, and how we respond to clients in crisis.

The word "crisis" dates from the 15<sup>th</sup> century. According to [Merriam-Webster](#), it can refer to either physical or emotional stress, including:

- An emotionally significant event or radical change of status in a person's life
- An unstable or crucial time or state of affairs in which a decisive change is impending, especially one with the distinct possibility of a highly undesirable outcome
- A situation that has reached a critical phase



Photo from the Guardian Eyewitness Series, guardian.co.uk

For your clients, a crisis may be the final General Judgment granting their divorce, participating in contentious negotiations, or going to trial.

Watching the disaster in the Gulf unravel, we can glean some lessons:

1. What constitutes a crisis depends on who you are and what you are experiencing. Attending a hearing may not be worrisome to you, but to a client it could be extremely stressful. Keep your eyes and ears open. Ask questions to gauge how your client is doing. Don't assume they are okay. Some clients are experts at putting on a stoic front.
2. Think before you speak. If you know your client is under stress, choose your words carefully. How we communicate is often as important as what we have to say.

3. Know your business. Fee estimates and cost projections should be based on tangible, real-world experience. If you have solid systems that capture the appropriate data, you should be able to make a reasonable forecast. But if you lack a basis for giving your client an estimate, say so.
4. Control client expectations. Television may depict otherwise, but legal problems rarely have a quick, easy fix. Clients who are in for the long haul should be prepared. Create information sheets with timelines so clients know what to expect and when. Clients will never be disappointed if their legal matter is handled more quickly than expected, but they will be upset if they don't get a realistic picture from you.
5. If you make a mistake, take responsibility. The [Professional Liability Fund](#) provides resources to assist Oregon lawyers in disclosing potential malpractice. From the [PLF home page](#), select Practice Aids and Forms, then Disclosure of Potential Malpractice. If you are concerned about a case, or believe you have made a mistake, we ask that you contact our office at 503-639-6911 or 800-452-1639 (toll-free in Oregon) and speak to one of the claims attorneys on-call. Our claims attorneys can answer your questions and assist you with meeting your ethical obligation of full disclosure to the client.
6. Last but not least: Don't lose your humanity. Treat all clients with empathy and practice good listening skills. Often the most important client need you can meet is the need to be heard and understood. Keeping the human touch makes a big difference. Learn more about how to T-R-E-A-T clients well [here](#).

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