

OREGON LAW PRACTICE MANAGEMENT

Client Relations Dos and Don'ts

The best defense against a legal malpractice claim is establishing and maintaining a good working relationship with your clients. Follow these client relations dos and don'ts from the [PLF](#):

DO treat your client with courtesy by:

1. Keeping appointments promptly.
2. Returning telephone calls, or having staff call to explain any delay.
3. Completing work as promised, or letting the client know why if it cannot be done. Do not force your client to repeatedly nag to get something done.
4. Keeping the client informed of the progress of his or her case by sending copies of pleadings, correspondence, *etc.*, as well as occasional status reports.

DON'T create unreasonable expectations. Assess your client's case realistically and present it to the client that way.

DO explain clearly, and confirm in writing, exactly what your legal services will consist of and exactly how the fee will be determined. Carefully confirm in writing any legal matters you are not going to handle, and if the client or another professional is going to do a portion of the work. Provide specific written details to avoid misunderstandings.

DO comply with ORPC 1.4, which states: (a) "A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

DO use a written fee agreement and/or engagement letter for all client matters.

DO comply with Exclusion 8 of the PLF Coverage Plan relating to business transactions with clients. *See the Disclosure Form ORPC 1: "Lawyer Engages in Business Transaction with Client" [on the PLF Web site](#).* Select Practice Aids and Forms, then Conflicts of Interest.

DON'T sue your client for a fee without first attempting to [arbitrate the fee dispute through the Oregon State Bar Fee Arbitration Program](#).

DO confirm all advice in writing, particularly if the client chooses not to follow your advice. Explain alternatives and their ramifications, and then let your client decide.

DON'T take any material action which may prejudice your client, settle a case, agree to judgment, or dismiss a party, *etc.*, without the express consent of your client.

DON'T lose the human touch. 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. If you are

struggling with a difficult client, contact the [Oregon Attorney Assistance Program](#) (OAAP) for confidential advice at (503) 226-1057 or (800) 321-6227.

DO take measures to produce a professional work product. Work closely with staff to ensure that all documents, pleadings, correspondence, and client bills are accurate and error-free.

DO contact the [PLF](#) for advice if a claim or potential claim for malpractice develops.

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