

Theory: Over time Clients Have Become More Demanding

Is it just me, or do you agree that over the last several decades clients have become more demanding and less deferential to lawyers?

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Yes. Absolutely. When I started practicing in 1983, I didn't have to deal with clients doing their own research and then questioning my advice. The internet has changed all that.

I now spend way too much time explaining to a client, for example, why a case from 1970 doesn't contradict my reading of an appellate rule. Should I really have to explain that the Rule has been revised 5 times since then and it no longer says what it said in 1970? It's frustrating and a big waste of time.

I think we lawyers are experiencing what doctors experienced with the advent of WebMD.

Virginia Mc Michael

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I don't mind the lack of deference, I'm still young enough that it feels odd to have older clients treat me with deference.

But it is frustrating to have to explain each and every step, down to how I cited a case or why I chose to attach something. I don't mind answering questions (and even answering the same ones over and over since a lot of court rules don't make sense to lay people) but having to justify my experience somewhat irritates me.

Grace Crivello

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Yes and yes.

In the world of 24-7-365 business operation, I have found that more and more, clients expect you to do likewise in the law office - and they vent their frustration over having to leave a voice mail message during off-hours rather than having me available to pick up on demand.

As for deference, back in the day, I would have to deal with the occasional client who questioned my evaluation of their situation and/or my advice based upon a conversation that they had had with a friend who had had a situation "just like" their own, and they handled it "like this". After peeling away the layers of the onion, I would try to explain how in fact their situation was not "just" like that of their friend. If they remained unconvinced, then I would suggest that perhaps they should ask their friend to represent them rather than me.

Today, we have the internet - and we all know that if it's on the internet, it must be so ...

'Nuff said!

Rod Klafehn, New York

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Respectfully, you are all wrong. It isn't clients that are more demanding and less deferential. It is society. As a whole, we as a society are more demanding, less deferential, less caring and less understanding. It's even within the profession.

I had a hearing a few years ago on a Monday. My mom had passed the Tuesday before. In Judaism, you have a week-long mourning period. I wasn't going to work. I emailed opposing counsel, asked for a short continuance, explained the reason, and he said no. I found someone to cover the hearing.

People simply don't care as much, be it clients, attorneys or anyone else.

Jonathan Stein, California

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I dunno. Not everyone. When I first started, I had a case against someone on this list. His wife was about to give birth to their third child. He asked for a continuance of the trial for that reason. I said only on condition I get to see baby pictures. I did and she was adorable.

Said attorney and I had lunch a few months back. I asked him how his kids were. He looked at me funny but answered. Then he asked "how long ago was that case we had." I smiled and said "How old is your youngest again?"

I've become friends with AT LEAST two of my opposing counsels because we weren't jerks to each other. Well, okay, they weren't jerks to me. I, on the other hand ...

Elizabeth Pugliese, Maryland

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I agree not everyone, but my guess is that case is more than 5 years old.

And, having a case with someone on this list is a bit different.

I am friendly with two defense attorneys. And I try to explain to young attorneys that they can't make it personal because if I wasn't doing my job, they would need to find a new line of work.

Heck, we rented a house for July 4 in San Diego and the owner is a defense attorney in LA. We got along great. But, I find people in general these days are more jerkier and less understanding.

Jonathan Stein

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I attribute it to two things.

1. Lawyers several decades ago were members of the "priesthood" with inside knowledge of arcane procedures and rules and rituals. The internet and mass online publication of laws rules statutes and

case law, (when I started law in 1979 were only available at a library or if you bought books), changed the lawyer-client knowledge imbalance.

2. The other factor, in my view, is that law has become much more a business and much less a profession where service to others was paramount.

Law firms big and small are drilled constantly to keep up the cash flow, raise rates, get going on collections. Partners whose client base no longer generates a lot of revenue for the firm are involuntarily retired or let out to "of counsel" pastures. Lawyers now are told they must market - blog- have a great interactive web site - be visible far and wide, write articles, give CLE presentations, etc. Phony awards of "Best new lawyer"

etc. are bought then advertised on lawyers' email and web sites. I think the common perception that all lawyers care about is getting paid more and more has been around since the 1980s which was when the college grads who went into investment banking instead of law began making beau coup bucks, seven figures annually. The lawyers in the downtown "silk stocking" firms thought "we should be making the kind of money our corporate clients are making." Thus began and continues the overarching drive to increase profits so all the lawyers - associates as well as partners - could be paid more. A lot more.

Michael Boli, California

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Depends on your geographic area and practice area in general. Big city, urban environment, with lots and lots of lawyers and lots and lots of judges; there is relatively little cost to being a jerk; odds are you may never deal with that attorney again; and you may not ever deal with that same judge again; or at least, very infrequently.

Now, even in large city; certain dockets are going to be concentrated with certain judges; i.e. probate; at least in Florida probate cases tend to be assigned to relatively few judges in large counties; in the largest counties that may be the ONLY docket that judge has, so if you do probate you will see the same judge again and again.

Likewise, smaller counties; you're going to deal with the same lawyers over and over; if someone is a jerk, word gets around real quick to both lawyers and judges; in addition the standard of politeness just seems higher. Florida Bar had an article years ago on "professionalism", i.e, politeness and not being a jerk; one of the points of the article was that local practice matters; and they used the example of a Miami attorney being impolite in a Miami based case; and that if the same attorney tried the same thing in Ocala, it might very well result in sanctions by the judge; and that is quite right; locally, in Ocala, you play nice or you are going to get into trouble, if not formal sanctions then at least you will get a rep amongst lawyers and judges and it will not be a good one.

Ronald Jones, Florida

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I come across the internet research thing a lot. One of my beliefs is that hiding or being non-transparent with information is no longer an option in an age where everything can be Googled. When talking to a client, I try to cite to authority whenever possible so that the client knows I am being as honest and forthcoming as possible.

What bugs me, though, is that some people (clients and prospective clients) will do their own research, but do it incorrectly and then try to argue with me about it. For instance, they'll think that a case from another jurisdiction applies in California. They don't understand state and federal law is different. Some people don't understand that TV and real life are different.

Andy I Chen, California

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I had a family emergency and a hearing coming up in a court that does not grant continuances. Opposing counsel was fine with it and the judge granted my plea. It all depends on who you deal with. I am appalled that opposing counsel was a jerk. That type of reputation will hurt when the shoe is on the other foot.

Sorry for your loss.

Mitchell P. Goldstein, Virginia

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Sometimes a judge will do the payback for you. A number of years ago, I suddenly found myself with two elderly parents in the hospital in a distant city, one of whom was in the ICU. During this difficult time, I missed a MSJ response time both due to the distraction and due to the fact that this particular federal district court has a very short motion response window.

While at the hospital, I contacted OC who was emphatic that she would not agree to give me leave on the deadline and would seek go forward on the msj by default. I recited all the key facts in a motion to the court, which of course relieved me from the default on the motion and allowed me to respond and we avoided the msj. Subsequently I had to withdraw from the case. However, once I withdrew and the OC proceeded to judgment, the court denied OC's request for fees under the parties' contract without any explanation.

It was gratifying to see what appeared to be a payback for failure to extend the most minimal professional courtesy in a time of need.

Craig A. Stokes, Texas

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For what it is worth, I haven't really noticed that clients have become more demanding. I have some clients who can be a little frustrating at times, at very rarely, outright unreasonable. But I also had these kinds of clients in years past. Likewise, I haven't run into the situation of clients second-guessing me by virtue of research on the Internet. Most don't seem to do Internet research. If

anything, I have found client expectations as a whole to be more reasonable than what I have experienced in the past.

With regard to civility, most of the opposing counsel I work with are very civil. Occasionally, I run into those who are not. But even in these cases, the level of civility is much improved over what I saw or experienced during the late 80's and early 90's.

Bert P. Krages II, Oregon

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I can only comment back to early 1980s, but I don't find it so.

Logic and clear explanation that a client understands is my goal. Sometimes I have to explain things different ways to different people. Since I listen and explain, usually no significant pushback here (other than the "want it done yesterday" syndrome).

On the other hand, non-clients or prospects sometimes need a tin-foil hat.

I try to screen those out before they become clients.

Darrell G. Stewart, Texas

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My sister is a doctor and she refers to it as "The WebMD effect". Every patient second-guesses every diagnosis and action because they think that their Google search is the same as her medical degree.

Not surprising that many legal clients are doing the same.

Disclaimer: Still never been a lawyer at Microsoft or any other company

Ben M. Schorr, Washington

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I agree Virginia that times (and clients) have certainly changed. I see this as an opportunity rather than a threat. We now are forced to be more client-centric and find ways to meet their needs without diminishing our value or wasting valuable time.

I'd love to see attorneys do more client education, particularly around those issues that clients are likely to challenge or have question about.

The issues tend to be common. All that research grew out of client insecurities because people feel perhaps intimidated by seeing a lawyer.

We can use that to our advantage by answering those objects early and being accessible instead of distanced. Of course, I'm not talking about you specifically, Virginia, but the profession as a whole.

Between client pressures on pricing, so many legal substitutes and the artificial, we have enough impetus to finally reshape the business of law.

Dina Eisenberg, California

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When my husband had brain cancer, I started second guessing my Johns Hopkins doctors. Turned out that the information that I'd gotten from one of my brain cancer list-serves that was backed up with medical journals was right - my doctors had failed to perform genetic testing on my husband's tumor or tell me how important it was to get that information. They never told me that my husband could have taken Avastin rather than chemo (which I was able to figure out, based on tests that had been run, that my husband was unlikely to respond). Again, Avastin was something that I again learned first from my listserve after which that advice was confirmed when I no longer trusted my husband's providers and took advantage of my insurance provider's Second Opinion service, where I received advice from an expert at MD Anderson who also recommended Avastin. (Unfortunately, by this time, it was too late...) Maybe my husband's doctors weren't as up to speed because brain cancer is such an unusual type of cancer and the research is advancing quickly, or maybe its because institutions like Hopkins that rely heavily on federal funds bias their treatment in favor of their clinical trials - but after my own experience, I will never trust a doctor again and I will always corroborate any advice that I receive with my own research.

Believe me, I know that many clients are cuckoo, and others like to play lawyer which can be frustrating -especially when they seem to think that their self-help trumps your research. But it's also possible that like me, they were burned before or are looking for a way to exert control during chaos. In any event, I generally don't mind discussing legal issues with my clients because often they come up with some pretty good ideas. I'm not ashamed to admit that some of my most successful arguments have developed out of the germ of an idea from a client.

Carolyn Elefant, District of Columbia

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I think this is the best part of the entire thread.

Bert Krages II

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I haven't read the book itself, but shortly after Daniel Pink wrote 'To Sell Is Human' I heard a fascinating interview with him on a business podcast.

The one thing he kept stressing over and over was that the rise of the internet over the past 15 to 20 years has completely reversed thousands of years of doing business. He kept repeating "It is no longer buyer beware it is now seller beware". His premise was that between easy access to a flood of information (both good and bad) and easy worldwide distribution of their opinions of you, your clients and potential clients now pretty much hold all the cards.

Ken Forman

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I totally agree that in smaller locales, the collegiality is real and the professionalism more serious. But the difference in society as a whole practically licenses those without a background of training in being deferential - polite and respectful - to behave in a way that would have been considered way out of line even 10 years ago.

Reta McKannan, Alabama

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