

## Client Rapport: Growing Trust

D. Tucker Charns  
Chief Regional Defender  
Office of Indigent Defense Services



1

What's  
different  
with high  
level  
felonies?



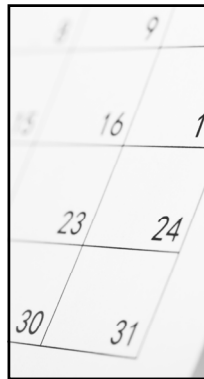
2

Where the client  
may be living  
waiting for trial.



3

The time  
the client  
may lose.



4



5



6



7



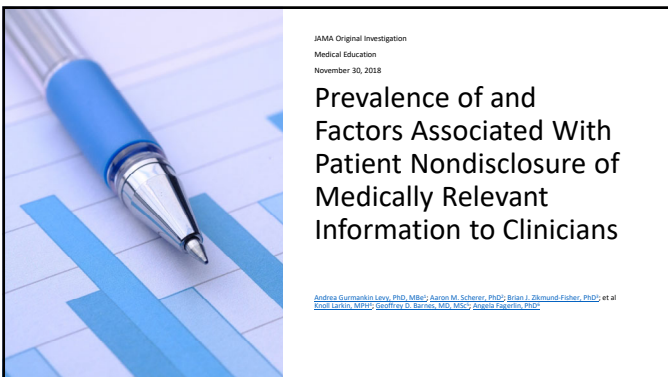
8



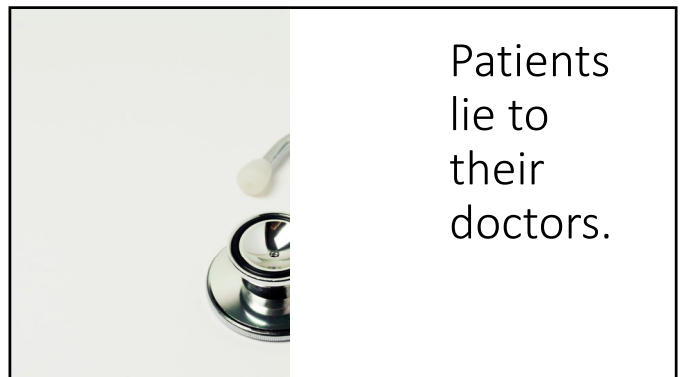
9



10



11

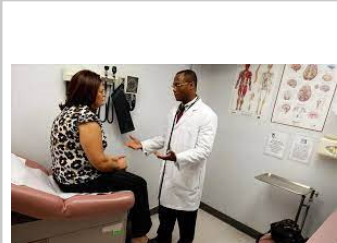


Patients  
lie to  
their  
doctors.

12

81% of patients said they had lied to their doctors about exercise, diet, medication and stress reduction.

50% reported they did not speak up about not understanding the doctor.



13

Why lie to someone trying to help you?



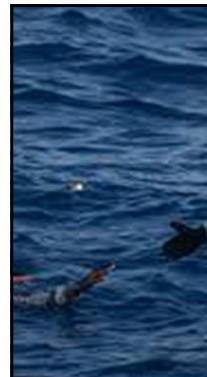
14

Fear of shame.  
Fear of judgment.



15

Why do clients lie to lawyers?



16

Fear of  
shame.  
Fear of  
judgment.

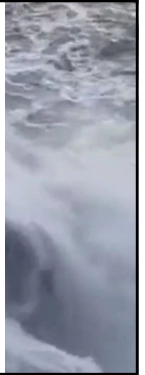
---



17

Fear we  
are not on  
their side.

---



18

Fear we won't  
work hard for  
them if they  
tell us  
everything.

---



19



20

Trust.

21

Our own  
experiences.

---

22

The  
experiences  
of our  
clients.

---

23

N.C. State Bar:

**Rule 1.1**  
Competence  
**Rule 1.3**  
Diligence

---

**Rule 1.6**  
Confidentiality

24



**Harvard  
Business  
Review**

## Three Elements of Trust

\*by [Jack Zenger](#) and [Joseph Folkman](#)  
February 05, 2019

25

Positive  
Relationships.  
Expertise.  
Consistency.



26

Of all of these, the  
data showed one  
element is more  
important than all  
the others.



27

Positive  
Relationships.  
Expertise.  
Consistency.



28







When we think we know the story, we don't hear the story.

33



Prepare for the meeting.

34

What our client has seen.



35



What our client has lost.

36

Review the pleadings.  
Review for conflicts.  
Know the elements/defenses/sentences.  
Know the next court date.

37



Meet the client as soon as possible after the event.

38



EXPLAIN  
CONFIDENTIALITY

39

In the interview, the attorney talks first.

40

Explain the elements.  
Explain the defenses.  
Explain the process and  
what happens next.

41


If you ask questions about  
the event, be mindful of  
how you ask the questions.

42



Keep the  
communication  
glass full.

43



Words  
are our  
tools.

44

Instead of:

“So you admit that....”

45

Try:

“Let’s talk about....”

46

Instead of:

“Didn’t you tell me  
before....”

47

Try:

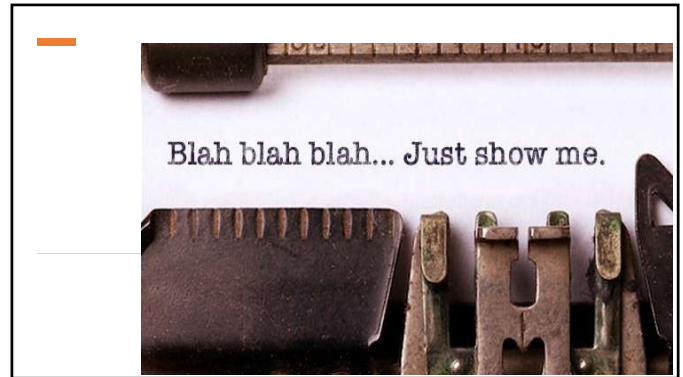
“Let’s talk about....”

48

Instead of:

“Why would they lie about that?”

49



50

Try:

“Let’s think about what the jury/judge would say about that...”

51

Instead of:

“Your record will kill you.”

52

Try:

“Let’s think about what the jury/judge would say about that...”

53



Practice the plea or the trial.

54



Cooperation:  
What could  
possibly get  
in the way?

55



Family.

56

Fear of  
shame.  
Fear of  
judgment.

---



57

Fear we won't  
work hard for  
them if they  
tell us  
everything.

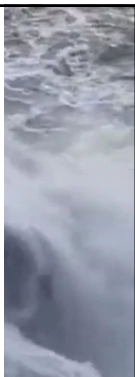
---



58

Fear we  
are not on  
their side.

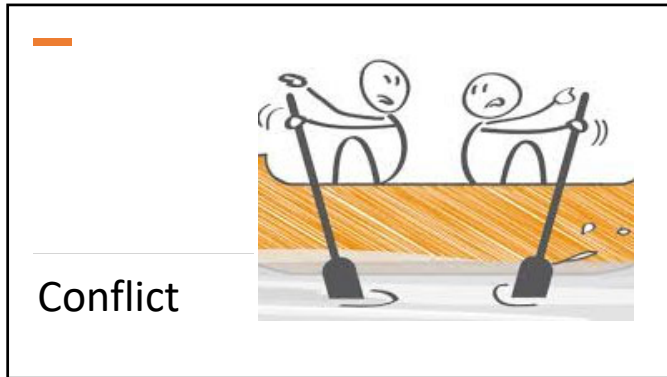
---



59

Trust.

60



61



62

You are not doing your job.  
 You are not fighting for me.  
 Others get better pleas.  
 Why should I trust you?

63



64





Conflict about the case.

65

The fully informed client's  
expressed outcome  
controls.

66

Bond hearing.

67

Plea or trial.

68

Trial strategy.

69

"[W]hen counsel and a fully informed criminal defendant reach an absolute impasse as to such tactical decisions, the client's wishes must control...in accord with the principal-agent nature of the attorney-client relationship."

*State v. Ali*  
329 N.C. 394 (1991)

70



71



72



73

Batson v. Kentucky, 476 U.S.  
79 (1985)

74

Simeon v. Hardin, 339 N.C.  
358 (1994)

75

Expertise



76



77



78