Client Rapport: Growing Trust

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What’s different with high level felonies?

Where the client may be living waiting for trial.

The time the client may lose.
The nature of the charges.

You.
Prevalence of and Factors Associated With Patient Nondisclosure of Medically Relevant Information to Clinicians

Patients lie to their doctors.
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.

Why lie to someone trying to help you?

Fear of shame.
Fear of judgment.

Why do clients lie to lawyers?
Fear of shame.
Fear of judgment.

Fear we aren't on their side.

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

Our own experiences.

The experiences of our clients.

N.C. State Bar:
Rule 1.1 Competence
Rule 1.3 Diligence
Rule 1.6 Confidentiality
Three Elements of Trust

- Positive Relationships
- Expertise
- Consistency

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


Communication.
When we think we know the story, we don’t hear the story.

Prepare for the meeting.

What our client has seen.

What our client has lost.
Review the pleadings.
Review for conflicts.
Know the elements/defenses/sentences.
Know the next court date.

Meet the client as soon as possible after the event.

In the interview, the attorney talks first.
Explain the elements.
Explain the defenses.
Explain the process and what happens next.

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

Keep the communication glass full.

Words are our tools.
Instead of:
“So you admit that....”

Try:
“Let’s talk about....”

Instead of:
“Didn’t you tell me before....”

Try:
“Let’s talk about....”
Instead of:

“Why would they lie about that?”

Try:

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

Instead of:

“Your record will kill you.”
Try:

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

Practice the plea or the trial.

Cooperation: What could possibly get in the way?

Family.
Fear of shame. Fear of judgment.

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

Fear we are not on their side.

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

The fully informed client’s expressed outcome controls.

Bond hearing.

Plea or trial.
Trial strategy.

“[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)

“I told my lawyer, ‘man, you work for me. Object. Object. This ain’t right.’”
