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Can lawyers be too client-centric?

Being "client-centric" has almost become a cliché in the way firms describe themselves. However, some leading thinkers in the legal field see the ability of lawyers to say "no" as a key element of their professionalism, writes Andrew McKenzie.



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Andrew McKenzie

Like most professionals, lawyers are trained to think of themselves as leaders and communicators. Through university and into professional practice, they are not only the "trusted adviser" but also the person to lead the way to an outcome for their clients, whether it is in a dispute or in business.

Legal training and practice make lawyers problem-solvers and deep thinkers, but they will often need to develop more skills to balance their roles as leaders, advisers, and professionals with a duty over clients to the court.

According to Michele DeStefano, professor of law at the University of Miami in Florida and a visiting professor at Harvard Law School and executive education chair in strategic influencing, studies have shown that some lawyers lack empathy in the way they listen and communicate, which is an essential characteristic of leaders and communicators.

Professor DeStefano, who recently visited Australia as a guest of global law firm network Meritas and legal BD consultancy Prodonovich Advisory, said lawyers are strong in problem solving, strategic and critical thinking but can be let down in the way they listen and communicate.

"The most popular words for lawyers is 'no, but', and this closes off communication and assumes an answer," she told a gathering of lawyers in Sydney last month. "The level at which we listen and respond can be a key weakness to how lawyers lead."

Professor DeStefano urged lawyers to understand their strengths and weaknesses and actively develop their skills, particularly in the way they communicate with clients.

This type of personal development for lawyers is undertaken by many law firms, particularly for mid-level lawyers on the way to partnership, and there is no doubt that lawyers have come a long way in their listening and communication efforts for clients.

Being "client-centric" has almost become a cliché in the way firms describe themselves.

However, some leading thinkers in the legal field see the ability of lawyers to say "no" as a key element of their professionalism.

Professor Laura Empson of the Bayes Business School, University of London, specialising in the management of professional services firms, believes lawyers have a professional responsibility to say "no" to clients, and not doing so has led to ethical lapses by the profession.

She believes that by being overly focused on clients, which she describes as "zealous client centrality", professionalism is lost in favour of commercialism. In fact, this type of thinking has led the profession to enable highly unethical and even illegal behaviour by clients.

So, how do lawyers find a balance between empathetic and client-centric listening and providing appropriate direction?

1. Recognise the three levels of listening.

Prodonovich Advisory principal Sue-Ella Prodonovich said lawyers can sometimes jump into solution mode and miss important information because they don't listen deeply. The surface-level listening is to speak, followed by listening to hear and finally listening to understand. The final level, in which full context is gathered, gives the listener a full view.

2. Be client-centric, but not zealously client-centric

The value a good lawyer brings to a client comes with a degree of separation and objectivity. Lawyers who are too focused on pleasing clients can sometimes, in pursuit of the perfect 10 in client feedback, fail to provide the frank and fearless advice that clients need.

3. Let professionalism be your guide

A good lawyer can be empathetic and cooperative with their clients without losing their duty to the court and the law. While client service is at the centre of every successful practice, it cannot be at the expense of effective professional advice. Sometimes, this means educating and leading clients on the most effective type of relationship.

Lawyers can certainly be good leaders and communicators, but it is those who fully understand the personal, cultural, political, financial, and practical context of those around them who achieve greatness.

Andrew McKenzie is the principal of Crackle Communications.

