

How to handle an irate client

Finishing his two-part series, Michael Herlihy outlines the best strategies to apply when a case or transaction has failed and the client is clearly angry – and the importance of training staff properly

In part one of this article, we looked at the importance of handling customer complaints well, with a hypothetical scenario involving a client upset about an adverse arbitration ruling in a case in which you acted. So how are you going to approach them?

Empathise

Your client is upset. You have to convey that you understand that. Until you do, the conversation will not progress. This is not a case of saying 'I understand you're upset, but can I explain...' Empathising with someone takes time, and a first conversation with a really irate client may not get much beyond the empathising stage.

So how do you convey empathy? The key is quality active listening – summarising and reflecting what the client is saying and encouraging them to talk more (yes, even though they are being critical).

As you are trying to 'put yourself in their shoes', empathetic (or mirroring) body language can also be very helpful – even though most lawyers vigorously dispute this until forced to observe it in action.

Do not be defensive

When attacked, most of us experience a strong urge to defend ourselves. With a hostile client, this is usually fatal. They are not interested in the fact that 'the judge had a bad day/our IT system went down/my temporary secretary did not pass on the message'.

Raising those issues will only add petrol to the flames as you are seen to be trying to blame the problem on someone else and not take responsibility yourself. Note that this is not the same as accepting that something is your fault. It is quite possible to say 'I'm really sorry that you feel we let you down', rather than 'I'm sorry that we messed up', without compromising your professional indemnity policy.

Seek more information

Care is needed here. When someone is in an agitated state, a mis-

placed question can easily be the spark that sets them off ('So was it the three life sentences, or the judge's adverse remarks on your character that upset you?').

However, as and when the temperature of the conversation allows, you will often need to seek more information as to what has happened – where did the client get their information and how reliable is it? In our arbitration example last week, the facts seem clear, but you will still want to understand the relative importance of the various issues to the client.

Finally, you need to propose some action (preferably joint action) to move matters forward. This may not be very substantive – if you have been caught by surprise, it may be simply 'let's get more information and compare notes in an hour/this afternoon/tomorrow'.

Try to keep these timescales short. Communicating a sense of urgency and priority will reinforce empathy and, however painful, you want your client venting to you, not their chief executive or one of your competitors.

Anger management

If someone is 'simmering', you must deal with it; ignoring them will only result in escalation as they inwardly fume, 'This idiot doesn't even realise what they've done/how upset I am'.

If you are talking to someone who is clearly angry, though speaking quite rationally, encourage them to talk about their feelings. 'Look John/Jane, I appreciate you giving me the chance to explain, but before I get to that can I say it's obvious that you are very unhappy with the service you have had and I want to say how sorry I am that you feel that way'.

This approach may well draw down some fire, but it will be much more manageable than the explosion you are otherwise likely to get later on in the conversation. If you do encounter a client who has really 'lost it', there is little you can do other than wait for it to blow over.

One line you might try is: 'John/Jane, you're obviously very



Photograph: Alamy

Anger: do not ignore the signs

The initial 'treatment' can make all the difference between success or failure in the intensive care to follow

upset, which I understand, and if it makes you feel better to stand here and shout at me I'm happy to do that, but maybe it would make more sense to talk again this afternoon'.

If this feels a bit supine, the good news is that rage is physiologically difficult to sustain, so in a couple of hours time you will almost certainly have a much calmer client and often (though, sadly, not always) one who will be feeling slightly embarrassed by their earlier loss of control.

Unrealistic promises

Agreeing to do something you cannot realistically achieve only to get you out of the room, such as the appeal in our example last week, is a strategy unlikely to pay dividends when the client concludes you have let them down for a second time. That said, there is clearly a world of difference between 'No appeal is possible' and 'John/Jane, I'd love to be able to tell you we could appeal, and if we could I'd file it now and fight with all our resources to put this decision right – but, being honest, I can't'.

On the subject of fees, every case will be different, but you should at least have some ideas rehearsed as to the positions you might adopt.

At some stage, you are going to meet an angry client who says he is not planning to pay, and having to make up a response on the spur of the moment is probably not where you want to be.

Train your team

Train all your staff in the basics of client care. Think of it as first aid. The relationship or senior partner may ultimately take charge, but it is often not them who first encounters the wounded client, when the initial 'treatment' can make all the difference between success or failure in the intensive care to follow.

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