

Communication

BY MARTINE VENDELLO AND KENDALL GODLEY



Welcome to the fourth edition of “Redlines and Deadlines.” Communication. If you’re reading this, then you already know. The client memos, law-review style papers, and multipage analyses you completed in law school don’t resemble your daily communications as a practicing attorney. Practically speaking, if law school offered courses such as “Managing Your Inbox 101,” “Decisions in Diction: Girl, Remove That Extra Exclamation Point!” and “Plz Fix Thx: A Survey on Why the Partner Doesn’t Hate Your Work,” we’d all be in a better position for success in this digital age. You send and receive what seems to be endless amounts of emails, leave and respond to comments in drafts, have video conference calls and regular phone calls, send one-off chats on Slack or Teams, text, and sometimes meet clients face-to-face.

Communication is an unavoidable and critical component of lawyering, and regardless of the medium, it can only be effective if it is received and understood by the recipient. We all have our preferences on how we like to be communicated with and would certainly benefit from putting ourselves in the other recipient’s position. Do you love it when others get right to the point? What about a little friendly chitchat before delving into the substance?

We’ve laid out how we think young attorneys should approach communicating with particular recipients. But we’re not just talking about talking; nonverbal communication and your online reputation and brand are forms of communication that also impact your ability to build successful working relationships.

Communicating With Internal Attorneys and Staff

In a law firm, clear and proactive communication isn’t just a nice to have—it’s essential. Working closely with other attorneys, paralegals, and staff means keeping everyone in the loop and, when in doubt, overcommunicating. To form solid relationships, you need to be visible and available to your team most of the time, and to communicate those times when you’re not.

When working with staff, think of yourself as a navigator guiding a ship. Clear and direct

instructions are your map; without them, you’re bound to end up off course. Avoid vague directions, and communicate any nuances or specific details that are critical to the task. Remember, office staff aren’t mind readers, and they shouldn’t have to guess what you want. Set the tone by being explicit about your expectations and responding promptly to emails and questions. If you want clear communication from your team, you’ve got to lead by example.

Try your best to take initiative and be proactive. When you’re assigned a task, don’t just check the box—dive deeper and don’t be afraid to ask the “stupid” questions. Understand the broader project and why your piece of the puzzle matters. If you spot potential problems or see a better way to get things done, speak up. It shows you’re engaged, thinking ahead, and committed to delivering the best results for your clients and the firm.

Keeping everyone updated is another key to success. Don’t leave people guessing about your progress if you’re working on a long-term project (even if they can see your progress in real time in a shared document). Regularly update the team, especially partners or senior attorneys, to show you’re on top of things (not lost in the weeds) and to keep everyone aligned. And if you know you’re going to miss a deadline, don’t wait—let your team know right away. Transparency allows for quick adjustments, and everyone appreciates honesty over surprise last-minute scrambles.

Timing is everything. In the fast-paced world of law, projects often require input from multiple attorneys with different specialties. Make sure you’re sharing documents and feedback with your team members in a timely fashion so everyone can do their part without rushing. Avoid last-minute requests unless necessary; they can create chaos and undermine your work’s quality.

When it comes to email, brevity is your friend. Our colleague Alecks Lewis suggests that attorney-to-attorney emails, especially from juniors to seniors, should be concise and direct. Lead with the key takeaways—think bullet points—and then provide additional details below. This way, the recipient can immediately grasp the most essential points without wading through a massive wall of text. Also try to reply to the same thread or conversation, if possible.

And don’t be afraid to speak up when you’re stuck. If a part of your assignment is giving you trouble, don’t gloss over it—communicate your struggles. Likewise, if you think a partner might have the law wrong, don’t fire off a “you’re wrong” email. Instead, “play possum”—present the research you’ve found, express some confusion, and ask for clarification. Often, there’s a nuance or recent change you might not know about, and this approach shows respect while still bringing the issue to their attention.

Ultimately, great communication is about more than just exchanging information—it’s about building trust, fostering collaboration, and creating a culture where everyone feels they’re working toward the same goals. By being clear, proactive, and respectful, you set the stage for success for yourself and your team.

Communicating With Opposing Counsel

Maintaining a poised and professional demeanor can often be your strongest asset in high-stakes legal negotiations. Even when opposing counsel seems to be pushing boundaries or adopting less-than-stellar behavior, your own conduct remains crucial in shaping the outcome of your case and building your reputation.

Imagine a negotiation where emotions run high and tensions are palpable. It’s easy to let frustration get the better of you, especially when faced with aggressive or unprofessional tactics from the other side. But responding in kind can escalate conflicts and hinder progress. Instead, adopting a cooperative tone and aiming for a mutually beneficial resolution can often pave the way for more productive discussions and settlements. This approach helps not only in advancing negotiations but also in maintaining a positive professional image.

When confronted with hostility, employing face-saving techniques can be an effective strategy. These techniques help to deescalate situations by acknowledging the other party’s position without compromising your own. For instance, offering a concession on a minor point can sometimes lead to more significant gains and demonstrate a willingness to find common ground.

Active listening plays a pivotal role in successful negotiations. By attentively hearing out opposing counsel, you gain insights into their stance and position yourself to anticipate their reactions and prepare well-rounded counterarguments. This proactive approach enhances your ability to respond thoughtfully and strategically, which is crucial in crafting persuasive arguments.

Documentation is another cornerstone of effective legal practice. Keeping a detailed written record of all communications with opposing counsel—whether emails, letters, or phone call summaries—is essential. This documentation serves as a safeguard against misunderstandings and provides a clear account of the interactions that have taken place throughout the case. It can also be invaluable if disputes arise regarding what was agreed upon or said during negotiations.

Knowing when to stand firm is equally important. While diplomacy and cooperation are vital, there are times when you must assertively defend your position. Striking the right balance between flexibility and firmness is key to navigating complex legal challenges effectively.

When faced with particularly challenging situations, seeking guidance from senior attorneys, partners, or mentors can be invaluable. Their experience and perspective can offer fresh insights and strategies you might not have considered. It's a sign of strength, not weakness, to consult those more experienced in the field.

Finally, handling inflammatory communications with care is essential. If you receive an emotionally charged email or message, it's wise to take a step back before responding. Crafting a well-considered reply, free from emotional bias, ensures that your response focuses on the legal issues rather than personal feelings. Leave all the devastating replies and “your mama” comebacks you thought of in the shower, in the shower. As our colleague Grace Diamond wisely noted, using features like “scheduled send” can be an effective way to manage your response timing and maintain objectivity.

In summary, maintaining professionalism, practicing active listening, documenting all interactions, knowing when to stand firm,

Strive to explain concepts in straightforward, plain language. Clients have numerous responsibilities beyond their legal issues, and clear, accessible advice can greatly ease their decision-making process.

seeking guidance, and carefully managing your responses are all integral to navigating legal negotiations successfully. By adhering to these principles, you enhance your effectiveness as an attorney and uphold the standards of your profession, ultimately contributing to a more favorable outcome for your clients.

Communicating With Clients

Effective attorney-client communication is foundational to building strong relationships and achieving successful outcomes. For young attorneys entering established client relationships, understanding and adapting to these interactions can be challenging, but it is essential for fostering trust and demonstrating professionalism.

From the outset, addressing the challenge of limited context is important. As a new attorney, you may not immediately grasp the nuances of a client's communication preferences. This gap can be bridged by prioritizing timely responses. Aim to acknowledge all communications promptly. Even if a full response isn't immediately possible, a simple acknowledgment of the request reassures clients that their concerns are being addressed. Delays exceeding 24 hours without any acknowledgment can lead clients

to question the importance you place on their messages, potentially tarnishing your reputation as reliable and responsive. That being said, we are human; sometimes, an email may get lost in the shuffle of your day, or you may have “mentally responded” without having actually responded. Apologize, address the task in the email, and move on.

Clarity in communication is also significant. Legal jargon can create unnecessary barriers between you and your clients. Strive to explain concepts in straightforward, plain language. Clients have numerous responsibilities beyond their legal issues, and clear, accessible advice can greatly ease their decision-making process. Simplifying complex legal concepts not only adds value but also demonstrates your commitment to their understanding and well-being.

Tailoring your communication to each client's preferences and needs is vital. Some clients may prefer detailed explanations, while others may seek succinct answers. Your communication style should adapt to these preferences, considering their experience with legal matters, background, and emotional state. For instance, a first-time client may need more guidance and reassurance compared to a seasoned business professional. Customizing your approach fosters a more supportive environment, enhancing the attorney-client relationship. Strategic communication is also important. Different clients may respond better to various styles of interaction. Some may appreciate a structured agenda, while others might prefer a more conversational approach. Before diving into a discussion, inquire about how the client prefers the information to be presented. Reviewing any existing emails, notes, or documents related to the matter can provide valuable context and help tailor your approach effectively.

Empathy and perceptiveness are key components of client communication. As our colleague Kylie Ngu reminded us, clients often seek legal help during stressful periods, and their emotional state can influence interactions. It's essential to remain sensitive to their circumstances and address their concerns thoughtfully. Particularly in areas like litigation, where emotions can run high, patience and understanding are vital. Approach less experienced clients as

educators, guiding them through the process and helping them navigate the complexities of the legal system.

Handling difficult interactions with composure is another important skill. If faced with an irate client, it's important to listen attentively without escalating the situation. Maintain your calm and, if necessary, gently redirect the conversation. Phrases like "Let's start over and focus on what you need from me" can defuse tension and refocus the discussion.

Personalizing or internalizing a client's bad behavior is counterproductive. Instead, relay any issues to supervising attorneys or partners who can offer additional support and perspective. If you need to wait for information before responding, communicate this to the client. Thank them for their patience, inform them of the ongoing review, and provide a timeline for when they can expect a response. This approach demonstrates your attentiveness and commitment to their needs.

In terms of communication methods, emails and phone/video meetings are common. Some clients may prefer texting over email. While text messaging can certainly be convenient for everyone involved, your clients may come to expect faster and often immediate responses to complex questions. Setting expectations at the outset of the conversation may help mitigate some of that back-and-forth momentum. Your texts should also be consistent with the level of professionalism that you would employ in any other form of communication, so leave the abbreviations, emojis, and gifs for the group chat with friends.

For emails, again, brevity is key. Start with a concise answer, follow with a detailed analysis, and restate the answer to ensure clarity. Avoid jargon and present information logically, addressing issues in a structured sequence to prevent confusion.

Sometimes, though, nuance is best conveyed verbally, so don't be afraid to schedule a phone/video meeting. For any phone/video meetings, you'll need to do some prep work to develop a road map of the topics, issues, and questions you'll want to address with the client during that time. Sometimes, clients start talking about topic 8 when you're on topic 2; it's okay

to gently steer the conversation back to the sequence you had laid out.

Body language in meetings also matters. Maintain an open and engaged posture to avoid appearing disconnected. If you need to take notes, politely ask for permission and verbally affirm your understanding of the client's points.

Finally, pay attention to the nuances of written communication. Determine when to use formal versus informal grammar, and ensure consistency in formatting and style. Proofread your work carefully to avoid errors and maintain professionalism. While it's implied, let clients know they can send you any follow-up questions they may have, and don't be surprised if they do!

In summary, effective attorney-client communication requires timely responses, clarity, tailored interactions, empathy, and strategic handling of various communication forms. By adhering to these principles, you not only strengthen client relationships but also enhance your effectiveness as an attorney.

Communicating With the Community

Using a business development lens, every interaction you have as an attorney with the community should reflect your personal brand and what matters to you. Our colleague Grace Diamond likes to approach business development with a focus on "why"—namely, what drives you and how you can incorporate that into your practice. Every communication you have should reflect your why in some way. Not only will it help you build your practice, but it will bring you closer to the issues you care about most and allow you to share what you value with others.


One quick sidebar: If you're using social media to build and share your personal brand, you should use a professional profile or handle and not your personal profile. It's 2024: of course, lawyers use and consume social media. Beyond LinkedIn, many of us watch (and perhaps create) "A Day in the Life of a Lawyer" TikTok and chuckle at a law meme or two. All attorneys (new and seasoned) should exercise caution with what they post, like, and subscribe to. At a minimum, your personal social media profiles should be private. For better or for worse, the appearance of professionalism matters to

clients, partners, and opposing counsel, who could use something they perceive as uncouth to impact your career negatively. Assume everyone has Googled you and crept on your firm bio, LinkedIn, and social media.

Conclusion

Communication may be the most important skill you bring to your practice. It influences every interaction, from emailing colleagues to representing clients and negotiating with opposing counsel. Effective communication isn't just about sharing information; it's about creating understanding, fostering collaboration, and building relationships based on trust and respect. As we've outlined, adopting a clear, responsive, and adaptive approach makes all the difference in navigating the complexities of law practice.

But good communication isn't a one-size-fits-all approach. Each situation calls for a slightly different set of tools—whether you're briefing a client, negotiating terms, or handling a tricky internal request. Understanding your audience and adjusting your tone and style accordingly keeps the wheels turning smoothly and keeps everyone on the same page.

And yes, like everything else in law, you'll get better with practice. So next time you're about to fire off an email or jump into a conference call, take a breath and think through your approach. Communication is about more than just the words; it's about building the reputation and relationships that will shape your career. And for better or worse, your inbox is a big part of that. 



Martine Ventello is an associate at Davis Graham & Stubbs LLP in Denver. Her practice focuses on general corporate transactional, securities, and asset management matters—(303) 892-7413, martine.ventello@davisgraham.com. **Kendall Godley** is an associate at Davis Graham & Stubbs LLP in Denver. His practice focuses on corporate governance, securities, and mergers and acquisitions—(303) 892-7308, kendall.godley@davisgraham.com.

Coordinating Editor: Amanda Huston, ahuston@cp2law.com