

*The NCBA Professional Vitality Committee creates sourced articles centered on reducing inherent stress and enhancing vitality in the lives of legal professionals and offers those resources as a benefit for members of the North Carolina Bar Association.*

## **“My Lawyer Is Always Available.” Managing Client Time Expectations**

This short article shares some resources and observations about an important aspect of managing client expectations, specifically, protecting your personal time boundaries from a demanding client, while assuring the client of your full commitment to his or her legal needs. Current literature from many sources stresses the importance of a balanced life, and the fact that regular breaks from work often make one more efficient. But in a “24/7” world, how does one tactfully limit intrusions from clients who may prefer constant access, without losing business?

Related situations can arise in a variety of contexts. For example, setting personal boundaries in a firm practice often calls for candid conversations about your workload and competing time demands. Whether the conversation is with a client or a senior partner, the expectations are essentially the same--that you will do the work well, and that you will do it with enthusiasm and with appropriate urgency. You need to express your time limitations in a positive way, to be clear that you are acting responsibly, not shirking work. All working people, not only lawyers, may face this, especially if that person also has child care, elder care or other caregiving responsibilities.

Much is available about what might be called the “formal” side of managing client expectations. Engagement letters, including billing details, should be a part of every lawyer’s practice. Certain disclosures are obligatory under the ethical rules. For a comprehensive guide, Lawyers Mutual has an excellent Risk Management Practice Guide, entitled [Attorney Client Agreement Toolkit](#)<sup>1</sup>, which discusses engagement letters and other written client communications. Such letters may include details about how and when you expect to communicate with your client. By making certain that objective details of the representation are set out up front, the likelihood of later misunderstandings is reduced. Such letters can also provide a helpful opening for early discussion about how work will proceed, and how lawyer and client will interact along the way.

There are many resources advising attorneys about their dealings with potential and active clients, such as caution about predicting outcomes. But the PVC has found surprisingly little practical advice about tactfully curbing excessive client demands for access. Because “boundary protection” needs are hardly unique to legal professionals, there is useful guidance in general human resource publications. One such book is the Harvard Business Review “Guide to Work-Life Balance” (2019), subtitled “Set boundaries, Manage competing demands, Be present”. Various authors give helpful advice about managing expectations, having “difficult conversations when schedule conflicts crop up” and “setting boundaries.” While written to guide junior employees in dealing with employers’ demands, it fits well for legal professionals when

thinking about client discussions. A section by Elizabeth Grace Sanders entitled “Setting Boundaries” (p.72) offers practical, common sense steps such as developing a time budget and clarifying directions. An overarching theme is the need to make certain you understand your own time obligations before discussing them with others. Are there things you can cut out or delegate without serious impact? Are you working as efficiently as you should be? Are you committing to unrealistic deadlines, and having to make excuses later? Do you notify your superior (or client) of known future conflicts? Can you say “no” when you need to?

A chapter by Peter Bregman entitled “Nine Practices to Help You Say No” (p.83) gives advice about the often difficult negative response. Like Sanders, his first point is to be clear about your own circumstances. For example, consider the specific time pressures a new request will impose before responding as to what you can or cannot do. When saying “no,” express appreciation for the request, and gently explain why you must turn it down. When possible, preempt the request by letting people know in advance of future scheduling conflicts, such as vacation plans, or an upcoming trial.

Materials concerning new clients often focus primarily on “formal” details such as billing, but may include ideas as to how best to shape expectations from the outset. In a blog post entitled [“5 ways to manage, meet and exceed client expectations.”](#) paralegal author Jan Hill’s first step is to “find out exactly what their expectations are-early on.” Among the client questions Hill suggests are “what role [is the client] willing to play with regard to their case?” and “what is [the client’s] acceptable response time regarding communications with you?” Further, she cautions against the opposite problem, having unrealistic time demands of the client. Clients are not always wired like their attorneys, and may need extra time to make decisions or provide necessary information. They may value their evenings and weekends as much as you do.

A key to setting boundaries is engaging in early, open communication with a client, which perhaps should begin by discussing their preferences and boundaries. How do they like to communicate? Is there a preference for emails, calls, letters? Are there better times than others to contact them? How often do they expect to be updated? What types of steps require express, advance approval? How much time do they need to absorb your information or advice, and respond to you? That can lead to discussion of your own communication preferences, work style and after-hours availability. As work continues, you may need to revisit this topic.

A thoughtful PVC member has noted the importance of the tone of written limitations on attorney availability. For example, a statement that “our attorneys are not able to accept calls after 6 p.m.” might be replaced with “our attorneys are available for calls to discuss your case from 9 a.m. until 6 p.m.” Subtle language changes may change a negative signal to a positive one.

Corporate clients are often very specific about what they expect from a law firm. It is important to make sure you understand their requirements and raise any questions at the outset.

For many legal professionals the approach is basically the same in ensuring discussion about how communications are to be handled, including your after-hours practices for checking emails or taking non-emergency calls. Talking about time demands and communication preferences can be a good way to develop personal rapport with your client.

Such discussions can of course be uncomfortable. Limiting after-hours contact or saying “no” to unrealistic deadlines may not make the client happy. Senior partners or business owners may not fully appreciate the need for discrete breaks from work. With some clients and managers, you may have to be very cautious in approaching this topic. But if you want to protect your time boundaries, you have to address it. Good clients should appreciate candor. Retaining clients likely may have more to do with producing good work in a timely fashion, while being empathetic about their anxiety over the legal problem. As every lawyer learns, delaying a necessary awkward discussion almost always makes it harder. And if new clients are unrealistic in their expectations, it is important to learn that early on so that, if necessary, you can steer them elsewhere.

The stated objectives of the PVC in promoting professional vitality include identification of resources which would enhance our ability to “manag[e] constant demands on our time” and “hav[e] difficult conversations with clients when appropriate.”

The PVC invites members of the NCBA to share with the Committee articles, books or other sources which they have found helpful in dealing with this and similar issues.<sup>ii</sup>

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*The preceding article was researched, written and reviewed as part of the work of the NCBA Professional Vitality Committee (“PVC”). The lead author was **George Evans** of Clearly Bespoke Strategies, Inc. Please direct comments and suggestions to [Erna Womble](#), Committee Chair, and [Holly Morris](#), Communities Manager. See more of the [PVC's compendium](#) of articles and blog posts at (<https://ncbar.org/members/committees/professional-vitality/>).*

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<sup>i</sup> <https://nmcndn.io/e186d21f8c7946a19faed23c3da2f0da/556712d9bf0f4cb2a916cc810687d52b/files/risk-management-resources/practice-guides/Agreements.pdf>

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