

Client Relationship Essentials Conscious Conflict Resolution

Prepared for: Legal Education Society of Alberta

Client Relationship Essentials

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For presentation in:
Edmonton, Alberta – April 18, 2017

CLIENT RELATIONSHIP ESSENTIALS:
CONSCIOUS CONFLICT RESOLUTION

INTRODUCTION

It is with gratitude that I present this paper to my fellow colleagues. Over the past 16 years practicing in areas including real estate, corporate/commercial, civil litigation and most recently, family law, I have faced many challenges; good times and bad times. One of the biggest challenges I have faced has been trying to effectively manage the lawyer/client relationship. There are many obstacles that compromise a good lawyer/client relationship, including, but not limited to: lawyers' fees, inability for the client to pay, ineffective communication (on both the part of the lawyer and client), inability to meet client expectations, time to advance or conclude a matter, etc.. In addition to these obstacles, our profession is provided a certain amount of reverence by the public, which has created a disassociation or barrier between the client and the lawyer. Whether this reverence is warranted is debatable, however, we must be prepared to look at this fact so that we can better understand how to serve our clients.

I believe that my journey practicing in family law has provided me with particularly acute insight regarding the struggles my client's face whilst going through the legal system, in particular their divorce, separation or related family law matter. This has been greatly enhanced by my own personal experiences. Family matter's rarely bring out the best in a person and the entire process has an emotional impact on our clients. In fact, there have been times where I have struggled disassociating myself from my client's matter. However, over time, I have learned that it is essential to detach from those issues that are properly my client's. Even if your practice deals with corporations or "non-personal" transactions, I am sure you can identify a client, while otherwise sophisticated, was still a challenge to deal with. We deal with people first and foremost and there is no escaping the human element to a transaction/matter.

While my "job" as a lawyer may be to, *inter alia*, obtain a divorce judgment or child support order, what I have found is that many of my clients require further support so that they may heal, in addition to receiving guidance navigating the legal system. I believe that the concept of "healing" has been overlooked by the legal profession and a reason for why our policies and laws fall short of helping people find realistic and holistic resolution. Even though I am not a trained counsellor or therapist, my clients look to me to ease their anxiety and fear and help guide them through the legal process (for as little money as possible). Strategies to handle these "softer" issues are rarely discussed within the legal profession. We generally learn through our experience, which for some, may be the result of a complaint or other resistance by a client. Therefore, knowing that many of my

clients struggle to manage their legal matter, I am somewhat responsible for assisting my clients through their journey and why I have created the *Conscious Conflict Resolution Program* (“CCR Program”).

The following paper therefore, is about drawing your attention to the possibility that your relationship with your client goes beyond the intended result (ie. Obtaining a judgment etc.). It is about helping your client resolve conflict in a mindful and dare I say, peaceful manner. From my experience, fear is the primary stumbling block to effective client management and swift resolution. This paper will explore conflict generally and lay out the basics of the CCR Program, which is presented to you as a tool to consider in your legal practice to help you and your client effectively manage the fear, understand conflict and hopefully, heal. My hope is that if you consider implementing a mindfulness component into your practice and encourage your clients to do the same. If you do, I believe that your lawyer/client experience will be better and your client will actually feel good about the process.

CONFLICT

I. Fear and Conflict

I believe that fear perpetuates conflict and plays a major role in preventing or postponing resolution. The goal in bringing this understanding to your client is not only to heighten your awareness about our client’s role in the relationship and why he or she may be reluctant to resolve conflict, but to provide your client with tools to manage the conflict relationships and your clients’ relationship with you.

When our clients avoid acknowledging and understanding fear, they experience conflict. This conflict is felt internally and externally. For some people the mere thought of engaging a lawyer can illicit this fear. Other examples of fear include the fear of not “winning” or not understanding the legal process. The legal profession must be aware of our client’s reactions, feelings and perspective so that we may better serve them.

Any conflict creates a perfect breeding ground for fear to take hold. If you ask anyone at any given time whether they are fearful, the answer you are most likely to get is “No”, for many people identify fear as the instinctual feeling one experiences when faced when ones encounter a bear on a hiking trail or being chased. Fear is more than the panicked feeling when faced with such a formidable beast.

A more commonly experienced feeling of fear is a feeling of uneasiness to a perceived or real event or experience. As the result of facing a threat, we experience, stress, self-pity, anxiety, grief,