

# BACK STORY

## THE IMPORTANCE OF PROFESSIONAL EMPATHY

BY ALBERT G. MARQUIS, ESQ.

Among lawyers, doctors and other professionals, the lack of a bedside manner is a common failing. After years of practicing law, it is easy to forget how the client is thinking. It is easy to forget how little they know, compared with how much we know. They may be totally unfamiliar with concepts such as plaintiff, defendant, cause of action, judgment, etc. They probably do not know what discovery is, what is involved, how long it takes and how much it costs. Often we fail to give adequate explanations.

In addition to an inability to explain things simply in layman terms, many professionals compound the problem within the relationship by failing to read their clients. Some clients have high anxiety. Others are frustrated or angry. Some are embarrassed. Others are worried about how much this will cost. What they are really looking for is someone who will help relieve those worries and anxieties, and they are considering paying you hundreds of dollars per hour to do just that. But if the professional in the relationship misreads the client by failing to listen to what he or she says, or by failing to correctly interpret facial expressions or body language, he will not be addressing the client's concerns. The client will be dissatisfied and will likely start looking elsewhere.

Compared to a client you hope to land, existing clients are already with you. They have already signed your fee agreement, let you know what to do and are posed to pay you. Therefore, treat them as if they are the most important people in the world. It is your job to make them feel better and to make them look good to their peers, friends or family. You should be their staunch, trusted ally, and they have to feel that they can trust you with their most personal, complex problems.

A new client who recently came to see me was stressed out and on the verge of tears over the complexities of her deceased husband's estate. I said, "Once I understand the facts, we are going to jointly agree on a game plan, and I guarantee



you will feel better about this situation." Has anyone ever given you that assurance? If you were stressed out to the max, think about how important that assurance would be to you.

The self-centered and the arrogant have difficulty with this concept. They either lack empathy or they do not know how to demonstrate their empathy in a professionally subtle manner. To complicate things, this is a very subjective concept (for both parties). Decisions need to be made on the spur of the moment, and the professional must at all times remember that every time he or she makes a body movement, a facial gesture

or a sound, it has either a positive or a negative impression on the client. The degree to which each of us masters the skill of professional empathy determines the degree of confidence that the client has in us. This is the key factor in the client's decision to retain or reject.

Unfortunately there are no law school courses that cover this subject. Maybe it is viewed as common sense, but considering the number of lawyers and doctors who lack professional empathy (as when they keep clients or patients waiting in their reception room for hours) our professions seem to be in dire need of a wake-up call.

We need to just keep reminding ourselves that the clients' interests are paramount, and that our job is to relieve their stress and make them feel better. If we can manage to get paid at the same time, then we have a win-win relationship. ■



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