More Than Knowing The Law

When saying no is right - navigating difficult client conversations

Have you ever felt pressure to act in matters outside your expertise when you know you shouldn’t? Perhaps you’re trying to maintain a relationship, or increase your client base - for whatever reason, you really shouldn’t be doing that work but you just don’t know how to say no?

When we dabble in matters we shouldn't because we don't have expertise in that area, we lack the support of systems and precedents that help us work effectively, and so are more likely to miss things and give inadequate or incorrect advice. It’s up there as one of the highest causes of professional indemnity claims we see at LPLC.

In this episode Deb Assheton from training and development organisation The Amplify Group joins LPLC’s Chief Risk Manager Heather Hibberd on a journey to empower practitioners to say no and equip them with tools and frameworks to guide them through difficult conversations.

The techniques covered in this episode will help you:

* **Navigate hard conversations with clients in a constructive way**
  + *“Make use of “Framing” - it’s where we balance aspects of the interaction, we balance the emotional aspects of the interaction with the technical or performance aspects of the interaction.”*
  + *“When we frame, what we do is we balance relationships and the actual technical issue - trying to consistently build relationships in every conversation and doing that in a way that's really explicit.”*
  + *“When we stay very constructive and in our power, and we hold the ground, that enables us to hold the ground for the client to move forward.“*

* **Balance the human and performance aspects of being a lawyer**
  + *“If we don't acknowledge the human aspect, and we just go straight into the technical, the client will often find it really hard to feel heard.”*
  + *“So what we want to do is create space for them to feel heard, which is the relationship piece and keep them on track for the technical piece.”*
  + *“And when we do both, navigating difficult situations becomes less difficult, more quickly - by acknowledging the human aspect, as well as the "and", “and we need to continue the legal performance”, we then hold the conversation in a really constructive place, the client hopefully feels heard, and you as the practitioner are able to move the conversation on.”*
* **Help you to stay within your power, say no and be OK with it, set expectations and maintain relationships**
  + *“You have to be able to say “no” when that is the right thing to do for your client.*
  + *Build the capacity for it through practice and don’t become desensitized and brutal in the way you say no.”*
  + *“What we want to do is become comfortable with saying no in a way that doesn't derail us. And so that is about breathing and it's about being clear and setting boundaries, as well as the conversation techniques associated with saying no.”*
* **Learn to tolerate the difficult feelings saying no raises**
  + *“And the way we do that is first of all, to acknowledge that it's tough to say no, we just need to acknowledge that it's not what we want and it’s still the right thing to do.”*
  + *“And this is not just with clients that are asking us to act outside our expertise, but with the many situations where your members are saying “no” to clients, we need to build the capacity to tolerate how it feels in our body to say no, and to say it anyway, because that's what makes us professional.”*
  + *“The way we can do that is to practice doing it, and to get used to processing those emotions and handling those emotions in our body.”*

**Deb mentions**

Book: Crucial Conversations: Tools for talking when the stakes are high. 2002. By Kerry Patterson, Joseph Grenny, Ron McMillan, Al Switzler, Stephen R. Covey. McGraw-Hill Education

The ‘Crucial Conversations’ website referred to by Deb is:<https://vitalsmarts.com.au/>

Walking the Talk: Building a Culture for Success – book by Carolyn Taylor. Published in 2015.

Amy Cuddy Ted Talk: [Your Body Language May Shape Who You Are](https://www.youtube.com/watch?v=Ks-_Mh1QhMc&t=199s)

Discover more of LPLC’s [Practice Management resources](https://lplc.com.au/risk-advice/practice-management) to help build your firm’s systems and processes.