Lawyering at a Distance: How to Work Effectively with Remote Clients

Career Development

Technology, Privacy, and eCommerce

CHEAT SHEET

- ***Virtual distance.*** The term “virtual distance” refers to physical, operational, and other types of distances that can prevent people from forming interpersonal connections.
- ***Live communication.*** It may be tempting to over-rely on email, texting, and online chats, but the technology can sometimes obscure the person you are trying to communicate with. To ensure this doesn’t happen, try to get know someone as close to face-to-face as possible and use phone or video chat to explain complex, lengthy, or tense topics.
- ***Establishing respect.*** If you and your client are in different time zones and you know in advance that you will need to do work in real time, figure out a time that works best for everyone. Once you have times agreed to, stick to them.
- ***Out of sight.*** Even if you don’t have anything to report, it is important to regularly check with your client so you can provide better counsel. For example, acknowledge receipt of email

communications even if you don’t have an immediate answer.

In recent years, with the rise of collaborative work tools that enable teams to work remotely, more in-house counsel are working with clients at a distance. Research demonstrates that without an intentional effort to connect, it often can be difficult for colleagues to establish trust and effective working relationships. In fact, virtual distance can lead to unwanted consequences, including an 80 percent decline in trust, according to technological researcher Dr. Karen Sobel-Lojeski. While trust takes time to build, once it’s established, it’s possible to retain it with thoughtful practices. In this article, the authors offer suggestions on how to best bridge the “distance gap.”

You’re new to the Big Co. legal team and you want to make a good impression. The senior VP for product development has asked you to help her negotiate a high-stakes contract for the company. You quickly mark up the agreement presented by the vendor, email the redline back, noting all the deficiencies and exposure created in the contract. You propose significant changes to the contract language and suggest forwarding the edits to the other side.

About a half hour later, your general counsel comes into your office and shares an email she received from the client. It reads: “Jane, I’m really confused by the document I received from your new guy. We’ve been doing business with this company for years, and I’ve never seen this level of mark-up. Also, what I was really hoping for was a refinement on the financing and gain-sharing provisions. Just wanted you to know so you can manage your staff.” The GC tells you that you made the rookie mistake of starting with the work, figuring the relationship with the client will come later. She asks you to put more effort into building rapport. Not the best start at a new job, but a great learning opportunity about the hazards of failing to communicate with your client.

When you work at a distance from your client, it’s even more important to mindfully establish rapport and trust. At a distance, you potentially miss a number of building blocks for a successful partnership with your internal clients. Unless you are intentional about managing your relationship, you will miss (1) facial expressions and body language; (2) the chance encounter in the hallway; (3) the intonation on a phone call if you transact business exclusively by email; and (4) the informal opportunity to learn about the person’s interests and activities outside of work. Bottom line: Building a relationship with your client requires work. Building a relationship with a client at a distance requires even more work.

Below, we offer some suggestions about how to establish, maintain, and enhance the remote working relationship.

Bridge the virtual distance gap

The term “virtual distance” can refer to physical, operational, and other types of distances that can prevent people from forming interpersonal connections. The amount of trust lost is an amazing 80 percent, according to the aforementioned study. A lawyer who operates in a trust deficit is going to have impaired access to complete and timely information, may have her advice discounted, and may not be engaged at all.

Unless you are dealing with a problem that needs to be solved before any other work can be done, take the time to get to know your client and build a relationship just as you would when meeting them in person. Also, you don’t need to be coy about addressing the problem of working at a distance.

You might say, “Jose, we’ve never met in person, and I find that it helps me support people better if I get guidance on how to work with them most effectively. When you’ve worked with people at a distance in the past, what has made the process easier for you? What’s your preferred form of communication? Would you rather have regular check-ins on this project? How much time do you want to allot? If something urgent arises, how do you want to be notified?” Also, invite future feedback upfront. You might offer, “In the future, if I do something that is confusing, irritating, or not helpful, I hope you would stop me in the moment and mention it to me. Because I can’t always see your facial expressions and body language, I would appreciate your being direct with me. I’m a quick learner.”

Once you have those conversations with your client, uphold those agreements that you made. This may seem obvious and not all that different than how you would work with any of your other clients, but remember that working with someone at a distance impacts trust. You aren’t able to duck into someone’s office down the hall or schedule a quick meeting after lunch to keep your remote client informed like you can for in-house clients. You will need to shift your normal methods of keeping in touch to prevent your remote client from feeling forgotten or unimportant.

Don’t be afraid to implement new technology

Most companies now offer video conferencing and some kind of social networking in order to keep in touch and better communicate across locations. You need to learn the technology and practice using it. Think about arranging video conferencing wherever appropriate, and err on the side of doing so early in the relationship. The ability to see faces changes interpersonal dynamics.

Stay updated with new technology. It’s not good enough to learn one program one time. **Communication platforms — whether they’re for written or video communication — evolve rapidly. While it may seem daunting at first, learn the program. It’s the best way to show your clients that you value meaningful communication, which will increase dramatically.** Knowing how the program works will let you focus on what really matters without having the client seeing you in a state of confusion or frustration.

Depending on the urgency, choose the right communications medium for your message, the preferences of your client, and corporate culture. Some people don’t even listen to voicemail anymore, whereas some never use instant messaging. If the question is not urgent, use email. If it is urgent, a text message may be the best method. If your client prefers, use instant messaging instead of email or voicemail for quick questions or to touch base. Reconsider leaving long, detailed voicemails —they are difficult to absorb, but your client can replay them. Also, remember to get to know your client’s team members. Having support staff in the same location as the client can be a proxy to help you with arranging meetings. Developing this relationship can also help ensure that you are able to reach your client when necessary, even if you can’t wait outside their office.

Recognize when live communication is necessary

With email, texting, and online chat, as options to bridge time zones, it may be tempting to over-rely on technology that leaves too much up to guesswork. While this tech is undoubtedly helpful, after all it is one of the key reasons that you can work with remote clients in the first place, the wall of text can obscure the actual person on the other side. Here are four tips to make sure that doesn’t happen:

1. Try to get to know someone as close to face-to-face as possible. We don’t always get to

meet our remote clients in person before we have to get to work, but seeing someone allows you to read body language and tone of voice as well as put a face to the name. Use videoconferencing or videochat to establish this relationship.

2. If you're working on something that has multiple moving parts, it may be best to let your client know what they need to know over the phone or via video chat. This way, you can take your time explaining the process and outlining what you'll need from your client while giving them the opportunity to ask for further clarification as you go. Speaking with them live will also prevent your client from becoming overwhelmed by opening an email to be confronted with a massive wall of text. You can still send a follow-up for both you and your client, but can now do so with greater confidence that doing so will not lead to a panicked email chain.
3. Speaking of email chains, if you know from the start that sending your first email is going to spark several emails back and forth, give your client a call. While the ease of email may be appealing, you may end up wasting time in the end when you and your client have an email conversation that lasts for a few hours or a few days. A phone call accomplishes the same thing and may only take a few minutes. Forgoing email for a phone call in this situation is both courteous and much more efficient.
4. Talking about a tense subject? Pick up the phone or fire up video chat. Tone of voice often gets lost in written communication. When the conversation needs to switch over to more serious topics, misunderstanding someone's intent can spell disaster. We all know someone who's either misread the tone of the message or had their own message misunderstood (we're probably some of those people ourselves). Don't fall prey to incorrect assumptions that might hamper future progress.

Establish limits and respect everyone's time

No one is at their best at 3 a.m. If you and your client are in different time zones and you know in advance that you'll need to do some work in real-time, figure out when works best for everyone. Think of it as establishing common business hours when everyone involved knows that it's a safe time to make a call or schedule a video conference without worrying that someone will be out of the office. Try to work within everyone's normal schedule when setting up these hours.

Once you have these times agreed to, stick to them. Unless something urgent arises, don't try to get in touch over the phone or on video conference during off hours when your client may be sleeping or spending time with their family. Make sure your client knows this as well. While they can always email you or leave a voicemail, if you don't intend to take calls or schedule meetings at all hours, make your wishes clear.

However, if something comes up, communicate to your client that they can give you a call during your designated hours. As they can't come visit you in person, they may feel like they're being ignored or worry that the problems they need you to solve are not as urgent to you as they are to them. Make it known that business hours are for open communication in both directions.

Ensure that out of sight does not equal out of mind

Remember to build that client relationship. It is important to reiterate that distance can lead to a lack of trust and transparency. Actively stay engaged with your clients, even if you don't have anything to report. If you are regularly checking in, you are more likely to be "in the loop," which will help you to provide better counsel. Be responsive. For example, acknowledge receipt of email communications or messages even if you cannot provide an answer right away. Manage expectation so that your

client knows you are “on the case.” Keep a remote client informed about ongoing work in order to avoid the appearance of favoritism, which may lead to a further lack of trust. Make sure your client knows that you care about their needs and are working diligently to address them. Going for long stretches of time without even brief check-ins may raise concerns, or even create a perception that your advice is of no value.

Accept invitations to your clients’ briefings to their teams. Be interested in the client’s business so you can understand and anticipate legal issues. Act like an “embed” if it is appropriate for your role by joining the client’s team calls or training. Look for ways to bring value to your client, including by identifying relevant training opportunities and tools that can be provided remotely.

Use collaboration tools, such as SharePoint, Google Docs, and others so that your client can access materials as appropriate.

Take the opportunity to meet in real life if the opportunity arises. For all the advancements that video conferencing offers us, it still can’t replace being in the same room as your client. So many nuances of conversation are lost over video chat, such as real eye contact or the ability to fully read body language. While having the ability to video chat with your client can improve communications, nothing can replace meeting in person.

Maybe your client will be in your city or you’ll be visiting theirs. Maybe you’ll be at the same conference, fundraiser, or event in a completely different city. Take advantage of the opportunity to interact with your client in person whenever it may arise. Set up a lunch meeting or an informal coffee if that’s more your style, but make sure that you and your client can both put a face to the name.

Conclusion

As technology continues to evolve, we gain so many opportunities to assist clients all over the globe. Make sure that your enthusiasm to get to work doesn’t interfere with taking the time to get to know your clients and their needs before starting on your project. Avoid those mistakes and miscommunications with affirmative steps. Set up times to talk and structures to work within and stick to those plans. Building and maintaining trust with your remote clients right away will make working at a distance a much smoother process for everyone.

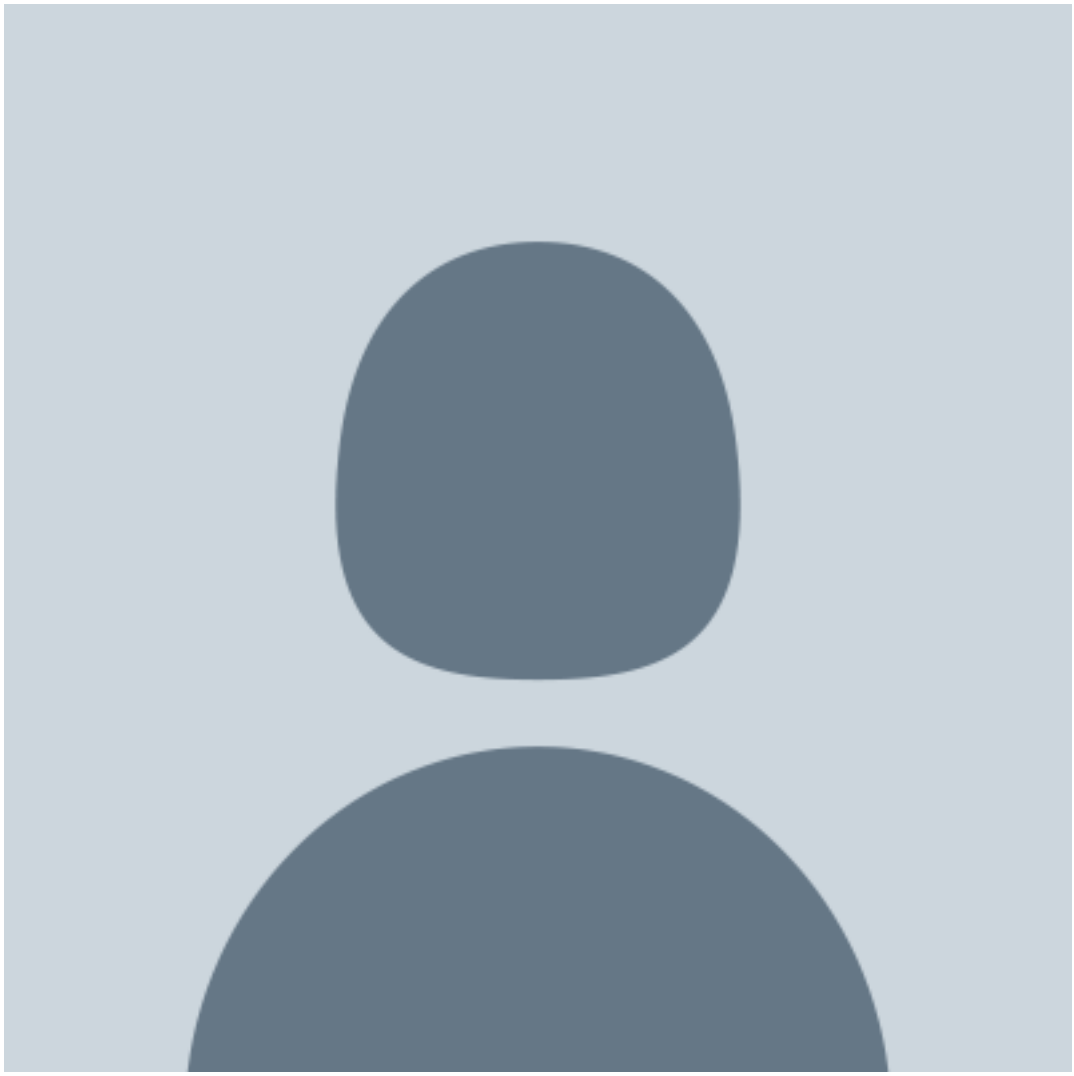
Rob Falk

General Counsel

Truth Initiative

Rob Falk is general counsel of Truth Initiative and a member of ACC’s board of directors. This article represents the personal views of the authors and is not attributable to their employers. He contributed the sidebars on individual diversity action plans and cultural agility growth charts.

Laura Jones

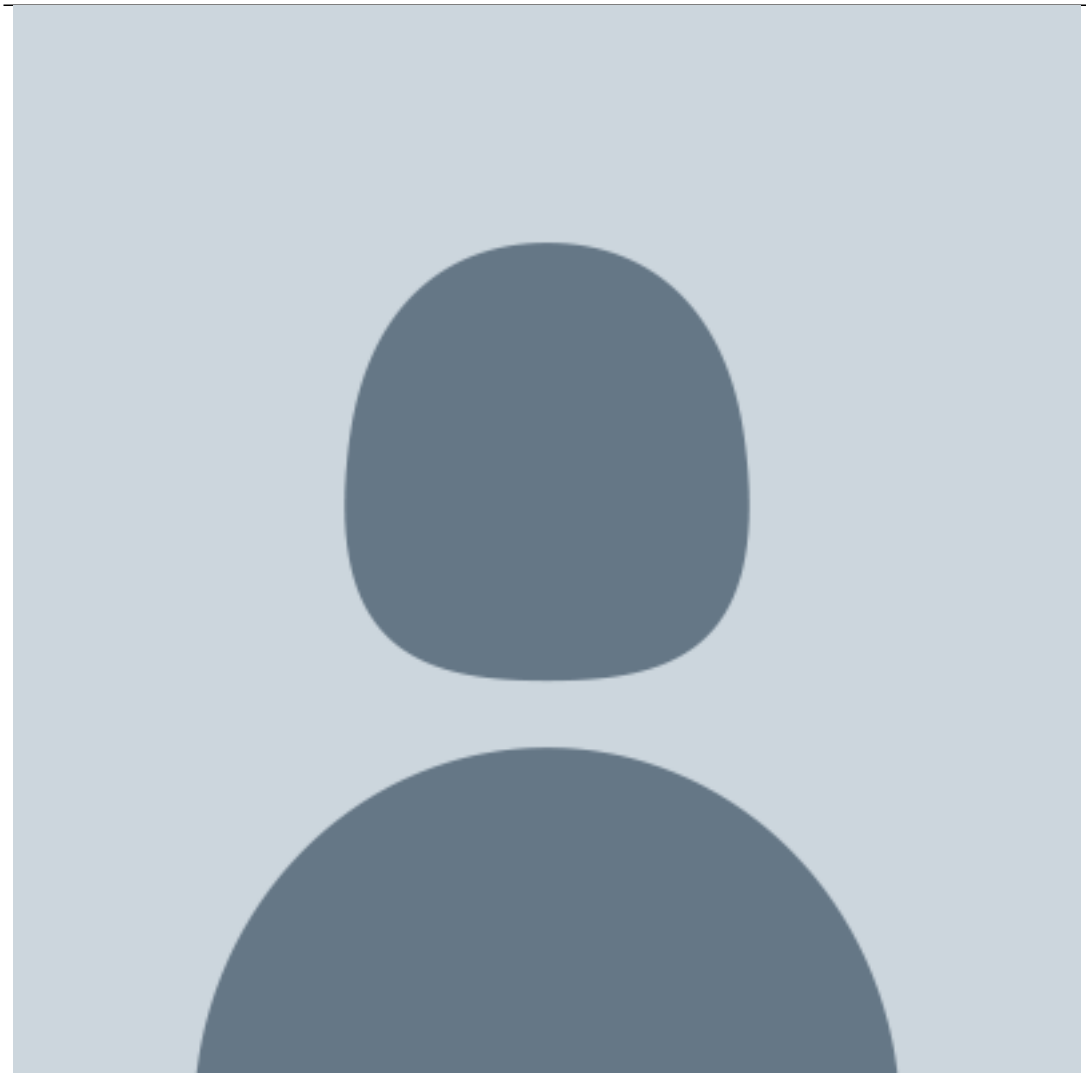


Associate General Counsel

Avaya

She is a leader of the ACC NCR Technology and IP Law Forum.

Bailey Metzger



Bailey Metzger is a law student at the University of Minnesota Law School and a former McCleary Law Fellow with the Human Rights Campaign.