

SAYING THANK YOU

When and how to express thanks and appreciation to your clients and others

BY STEVEN A. MEYEROWITZ

from a grandparent or other relative to say thank you?

More specifically, do lawyers have to say thank you?

The answer to that last question is, of course, yes.

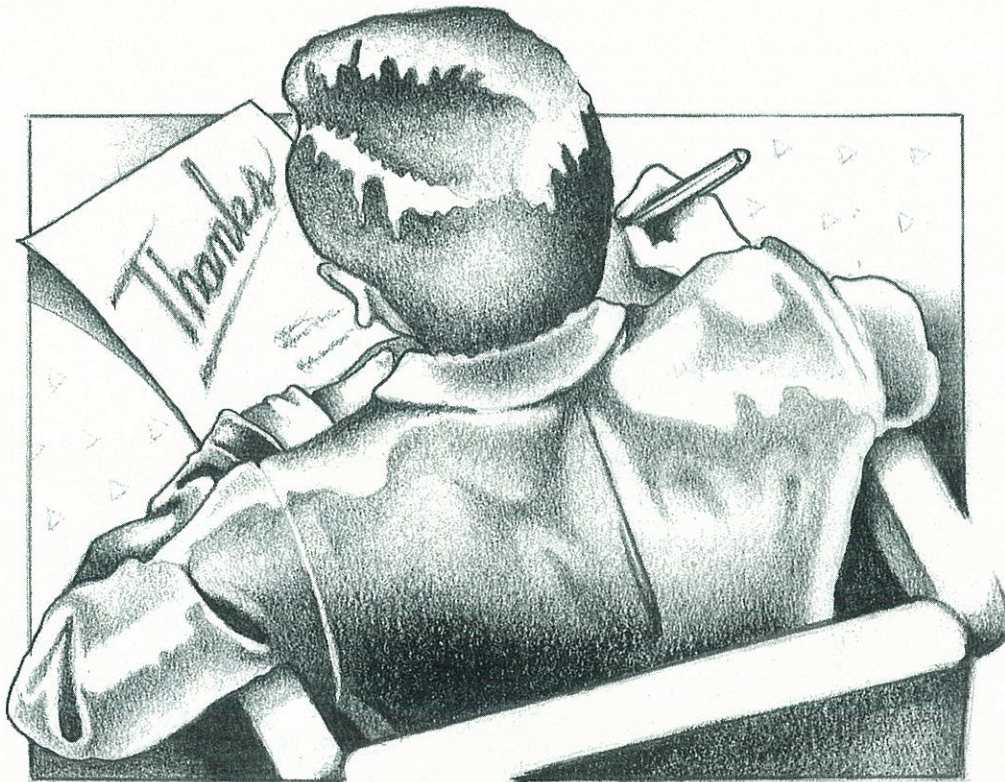
Good Thanks

"Thank you" matters. It especially matters if the thank-you is more than a form thank-you, more than a simple computer-generated line in one of what to a client may appear to be a series of seemingly unending statements for services rendered and more than a passing reference made seconds before the end of a conference. In other words, as Boston-based management-consultant Deborah J. Addis says, saying thanks matters if it is "not insincere, generic, or too repetitious."

The wrong kind of thank-you can be just as irritating to a client as wanting to speak with a telephone oper-

ator but hearing a taped message instead. At the least, the wrong kind of thank-you may just reinforce the nega-

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— Art by Dug Waltz

A person dialing long-distance information may hear "Thank you for using AT&T." A cash register receipt from the supermarket is likely to end with "Thank you for shopping with us." Bills from cable-television companies, electric utilities, pharmacies and credit-card issuers

now thank customers for past payments before telling them the new amount due.

Do these automated expressions of appreciation really count? Is the true meaning of "thank you" getting lost? What would Emily Post say? Is there actually a reason for anyone other than a child who has received a birthday gift

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tive image that some people have of the legal profession; it may even be worse than no thank-you at all.

But a thank-you that is heartfelt, tailored and personalized is different. That kind of thank-you can make the people who are being thanked feel special. It can make them believe that they did something worthwhile. It can help them to understand that the lawyer who said thank you is different. And, as Addis says, from a marketing point of view it can be "a positive vehicle for communicating with clients that enhances the attorney-client relationship."

Thanks for Referring

New business can be referred to a law firm by existing or former clients, non-clients who know the firm or its attorneys, opposing parties who faced the firm in litigation or transactional work, and other attorneys.

According to Ronni K. Burrows, managing partner of the Pittsburgh firm of Burrows & Hitt and a family law practitioner, "Most lawyers feel that the best thing that can happen to them is when a client refers a client." Promptly thanking the referring client by letter or phone call is, generally speaking, the least a lawyer can do in this situation. Burrows states, though, that she "probably would not" send a written thank-you note to a referral source if that person (for example, a husband in a divorce matter) had opposed a client she had represented (such as the wife). Of course, lawyers should keep in mind that the duty of maintaining a client's confidences may, in certain cases, limit their ability to thank a referral source; prudence might dictate that when in doubt an attorney should obtain a new client's permission before thanking a referral source.

Small gifts also may be an appropriate way to say thanks for a referral. John W. Powell, a partner with Pittsburgh's Meyer, Unkovic & Scott, says that he often sends fruit baskets at holiday time to clients who have referred large or multiple matters to his firm.

On the other hand, an attorney in Wilkes-Barre indicates that because of fee-sharing concerns, his firm does not send clients any tangible expression of thanks "that could in any way be seen as a reward for the client." By the same token, he believes that a law firm

should be wary of sending gifts to clients who send additional business from their own company to the firm — these kinds of gifts theoretically might implicate commercial bribery statutes.

Professional Referrals

Often a law firm's best referral sources are other professionals, such as accountants or life-insurance salespeople. When Powell receives this kind of referral he says that he usually will send the referrers copies of the first nonconfidential letter he sends to his new client, with a handwritten note thanking the referrer for the new business.

Changes to the ethical considerations now permit referring attorneys to be thanked in a way that used to be improper — with a share of the fee that is not conditioned on or proportional to the amount of work on the matter performed by the referring attorney. It is important to remember, though, that the new client must be informed of and consent to the fee sharing and that the fee to the client cannot be greater than it would have been without the fee sharing arrangement.

Just Thanks

There are a number of ways to just thank a client for work or payments. For instance, when Powell sends a first invoice to a new client, he thanks the client for the opportunity to provide legal services. Addis says that at the conclusion of a big matter, if the law firm and client are happy with the results, the lawyer in charge could send an "appreciation letter" to the client stating that it has been a pleasure to work with the client, that the lawyer is glad that the client is pleased with the result and that the firm looks forward to maintaining the relationship.

Holiday greeting cards with a handwritten note can be a warm touch. Firms also should consider personally inviting clients to holiday parties and other receptions, although Addis notes that nowadays it "can't look as if you're spending too much money."

Lunches and dinners are often welcome. Small gifts in certain specialized circumstances, such as on a client's birthday or anniversary, at a special time in the attorney-client relationship (perhaps after working together for five or 10 years) or on a special occasion

in the law firm's life (such as at its 10th, 25th or 100th anniversary) might be appropriate. And don't forget about giving clients some business — if a client is a plumber and a lawyer needs a plumber, the lawyer should call the client — and contributing to charities clients support.

Another way to say thanks is to do what Susan P. LeGros, an attorney with Philadelphia's Montgomery, McCracken, Walker & Rhoads, does: she keeps her clients in mind when something special comes up. Last year, for example, she gave a client, who was a big fan of Notre Dame football, tickets to a Notre Dame game when the team came to town. In other cases, she has given tickets to Philadelphia Flyers hockey games. Sometimes she will ask a client if the client wants to join her; other times, she will give the tickets to the client and simply say "Here, this is for you; thank you."

It sometimes seems too hard to just return all client phone calls on the day they were received, let alone do all of the other things that may be appropriate or necessary, such as saying thank you. Certainly, doing the right thing may not be so easy all of the time. Yet as lawyers should know, that's why practicing law is called "work." □

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