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Litigation

- The evolution of Michigan's open and obvious doctrine
- My first jury trial
- The AI revolution: A look back at 2023 and the future of AI in the law
- Collaborative advantage: Including clients in the litigation process



The collaborative advantage: Including clients in the litigation process

BY FATIMA M. BOLYEA AND EMILY S. FIELDS

In the realm of law, the attorney-client relationship is often regarded as the cornerstone of justice. Attorneys are not merely legal representatives, but trusted advocates who work diligently to protect their clients' rights and interests. To achieve the best possible outcome, attorneys should embrace a collaborative approach that actively includes their clients in the litigation process. This article explores the importance of involving clients in litigation, highlighting how this practice helps attorneys gather essential factual information and historical data about the case.

CLIENT PERSPECTIVE: A VALUABLE RESOURCE

When working up a case for trial, attorneys rely on many sources of expertise and information — their education and experience; their internal legal team; outside financial, consulting, accounting, and other experts; and research databases. One source of informa-

tion attorneys should never overlook is the knowledge and experiences of their clients.

By actively involving clients in their own cases, attorneys can gain firsthand knowledge, unique insights, and personal experiences related to the legal matter at hand. This direct perspective can significantly impact the outcome of the case and enhance the attorney's understanding of the client's objectives.

Legal cases are not abstract matters of fact and law. They are grounded in real-life experiences and events. Attorneys who collaborate with their clients recognize the invaluable role clients play as a source of real-world knowledge. Clients can provide firsthand accounts of the events leading up to the legal case, their interactions with other parties involved, and the emotions and motivations driving their actions.



Attorneys can develop a deeper understanding of the context of the case by actively listening to the client and encouraging them to share their experiences and insight with the attorney. This understanding can be instrumental in crafting a persuasive argument as it allows the attorney to convey the case's human dimension, making it more relatable and compelling to judges, juries, or opposing parties.

COLLECTING FACTUAL INFORMATION

Clients possess a wealth of information about their cases indispensable for building a strong legal strategy. Attorneys should encourage clients to share all relevant details, documents, and evidence associated with their case. This open exchange of information can uncover crucial details that may otherwise remain hidden and strengthen the attorney's argument and the case itself.

Clients often have access to documents, records, and other evidence directly relevant to the case. Be it contracts, correspondence, financial records, medical reports, eyewitness accounts, or knowledge that provides needed context, the client is a repository of valuable information. This documentation and information can corroborate the client's version of events, support legal claims, or serve as a basis for challenging opposing arguments. Attorneys should make sure to obtain and review these documents as early in the client

relationship as possible to develop a more fulsome understanding of the case and its context.

Moreover, clients can provide insights into potential witnesses or experts who may have relevant information or expertise. Their knowledge about key players in the case can be instrumental in identifying and securing testimony that bolsters the legal strategy.

Attorneys should maintain open lines of communication with their clients throughout the case to ensure that any new information or documents that emerge are promptly shared and integrated into the legal strategy. Facts are the backbone of a strong case; active client involvement can ensure that no critical details are overlooked.

HISTORICAL DATA AND CONTEXT

Every legal case is embedded in a historical context, and clients are often the best historians of their own circumstances. By involving clients, attorneys gain access to the historical data necessary to construct a compelling narrative for the case. Clients can help attorneys understand the nuances, timelines, and intricacies of their situation, which can be pivotal in litigation.

While the law operates in the present, legal cases often involve events that have transpired over time. Whether it's a contract dis-

pute, a personal injury claim, or a criminal case, the historical context matters. Clients can provide essential insights into the sequence of events that led to the legal issue and the personalities involved, shedding light on the circumstances that gave rise to the dispute.

For example, in a personal injury case, a client's recollection of events leading up to the accident, the actions of the parties involved, and any prior incidents can be critical in determining liability and damages. Similarly, in a contract dispute, understanding the negotiation process, changes in terms, and the parties' conduct throughout the contractual relationship is essential.

A helpful exercise for clients to undertake at the beginning of a case is drafting a timeline of important events for the legal team. This encourages the client to commit their memory to paper, assists them in determining any documents they must locate, and sets out the facts in a way that is helpful for the attorney to review.

Involving clients in discussing and documenting the historical context of their case allows attorneys to better craft compelling narratives that align with their legal strategies which can be particularly important in cases that involve a universe that may be unfamiliar to outsiders, such as an industry with its own terminology or accepted practices. A coherent and plausible story is often more persuasive than a disjointed set of facts and legal arguments.

A COMPREHENSIVE LEGAL STRATEGY

Incorporating clients into the litigation process enables attorneys to develop a more comprehensive legal strategy. Clients can provide information that goes beyond legal textbooks and precedents, helping attorneys tailor their approach to the client's specific needs and goals.

Legal cases are not one size fits all. By involving clients, attorneys can design a strategy that considers not only the legal aspects of the case but also the client's personal and financial interests.

Client involvement can help attorneys prioritize legal objectives. For example, in a divorce case, a client may place a high value on maintaining an amicable relationship with the ex-spouse for the sake of their children. In a business dispute, a client may prioritize a swift resolution to minimize disruptions to ongoing operations. Furthermore, clients can provide insight into their tolerance for risk and the outcome they realistically hope to achieve. These considerations can guide attorneys in making strategic decisions, such as whether to pursue settlement negotiations or prepare for a trial.

By incorporating clients into development of legal strategies, attorneys demonstrate a client-centered approach, which often leads to more satisfying outcomes and strengthens the attorney-client relationship.

BUILDING TRUST AND TRANSPARENCY

Trust is the bedrock of the attorney-client relationship. Clients must trust their attorneys to act in their best interests, make sound legal decisions, and represent them competently. This trust can be developed in several ways.

First, clients are more likely to trust attorneys who listen to their concerns and involve them in making decisions. A collaborative approach demonstrates that the attorney values the client's input and respects their perspective, which can lead to a more effective working relationship.

Second, transparency is a key element in building trust. Clients have a right to know what is happening in their case, and a lack of information can breed uncertainty and anxiety. Attorneys can keep clients informed and engaged by providing regular updates on case progress, developments, and potential challenges.

Third, involving clients in the litigation process enables them to understand the reasoning behind decisions and strategies. When clients grasp the rationale for a particular course of action, they are more likely to trust that the attorney is acting in their best interests.

A strong attorney-client relationship built on trust and transparency is beneficial not only for the current case but also for possible future legal needs. Clients who have positive experiences with their attorneys are more likely to return for additional legal services and recommend the attorney to others.

Establish communication preferences with your client early in the representation. While many clients enjoy staying involved in the case and receiving regular updates, some clients may prefer to be informed only periodically. Make sure you and your client are on the same page and check in regularly throughout the case to determine whether the client's communication preferences have changed.

INFORMED DECISION-MAKING

Legal decisions can have far-reaching consequences that affect not only the result of the current case, but also the client's financial well-being, personal life, and future prospects. Clients have a significant stake in these decisions; their input is invaluable.

Attorneys should take the time to educate clients about the legal process, potential outcomes, and implications of various strategies. By actively involving clients, attorneys empower them to make informed decisions about their case. This not only gives clients a sense of control, but also allows them to understand the potential risks and benefits associated with different legal strategies. For example, in a criminal defense case, clients should understand the potential consequences of going to trial versus accepting a plea bargain. In a civil dispute, clients should be aware

of the risks and costs associated with protracted litigation versus negotiation and settlement.

Involving clients in the decision-making process allows attorneys to ensure that clients fully comprehend their options and that their decisions align with their goals and values. This approach can help clients make choices consistent with their best interests.

CONCLUSION

Including clients in the litigation process is not merely a matter of courtesy; it is a strategic choice that leads to better informed and more effective legal representation. Attorneys who actively engage their clients benefit from access to a wealth of factual information, historical data, and a deeper understanding of their clients' goals and concerns. This collaborative approach builds trust, transparency, and ensures clients are active participants in their own legal journey.

Ultimately, justice is most effectively pursued and obtained through the partnership between attorney and client. A successful attor-

ney-client relationship is built on open communication, shared information, and a mutual commitment to achieving the best possible outcome. By embracing the collaborative advantage, attorneys can serve their clients more effectively and uphold the principles of justice in the legal system.

Fatima M. Bolyea is a past chair of the SBM Litigation Section and an ex-officio member of its governing council. As senior counsel of the commercial litigation group at Taft Stettinius & Hollister in Southfield, she focuses on small businesses, close corporations, family-owned companies, and their owners and executives.

Emily S. Fields is an associate at Mantese Honigman in Troy, where her practice is focused on commercial litigation. A member of the governing council of the SBM Litigation Section since 2018, she handles a variety of corporate governance matters in addition to all aspects of litigation and arbitration.

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