

Attorney-Client Relationships: Neuroscience to the Rescue

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Headlines in the news focus on studies which identify the differences between the “male” brain and the “female” brain. Research which demonstrates differences between the sexes receives far more media coverage than studies that illustrate similarities in the male and female brains. Studies which uncover no statistical differences between men and women are simply not newsworthy. I believe that the focus should not be on “male” vs. “female” cognition, but rather on brain structures which reflect individual differences in processing and communicating information.

Neuroscience substantiates that all brains are not the same and that all individuals do not process information in the same way. Education, experience, emotion, nutrition and attention make each of our brains unique and influence how we see and understand the world. Individuals trained in a specific area routinely rehearse a specific skill set which habituates a unique thinking style. For example, engineers, writers, doctors and lawyers do not usually process information in the same way. In an effort to maximize attorney-client communications, this article explores the “attorney brain” versus the “client brain”.

Attorneys are trained to think laterally using intensive inductive and deductive reasoning. Any former law student can recall the prescribed guidelines to analyze a problem: IRAC – issue, rule, analysis, and conclusion. This pattern of thinking is intensely rehearsed and becomes habituated so that a lawyer employs this structure whenever faced with a legal issue. Unfortunately, the rest of the world – which includes most of an attorney’s client base – does not share the same problem solving style.

Variation in thinking styles often compromises communications and leads to misunderstandings, eventually weakening the attorney-client relationship.

Many times, the attorney is repeatedly asked the same questions. The attorney answers the client’s questions over and over again in the same logical fashion that makes sense to the attorney, and sometimes even slower in the hopes that repetition will lead to understanding. The problem is analogous to using a soccer ball to play golf – the ball will never get in the hole – no matter how often or how hard the golfer swings. For clients and business associates outside of the practice of law, their approach to problem solving is quite different.

Prior to entering the legal arena, I studied brain plasticity and worked with private clients, LSAT students and NASA scientists and engineers to enhance their critical thinking skills. My awareness of how individuals think has helped me to successfully navigate client meetings and build strong relationships. The descriptions of thinking styles listed below are intended to provide an introduction to understanding how people think. This awareness opens the opportunity for professional growth and reflection of how we can maximize our communications with clients.

Attorneys for the most part can be characterized as “Bottom Line Thinkers”. We think in a logical, progressive manner. We are result oriented, want guarantees and proceed in our work in an orderly and strategic manner. But often our clients process information differently and do not always follow our logic.

Client A – “Bottom Line Thinkers” – Like attorneys, some clients are also “Bottom Line Thinkers.” Client “A” – Albert is an accountant, his thinking style is similar to that of an attorney and communication is seamless. Albert wants to know the “bottom line” – how long will it take? What will it cost? Sometimes, he will even want to know the process involved, but once it is explained – the focus quickly switches to the end result and completing the project. Because clients like Albert think similar to attorneys, projects can move forward swiftly and strong relationships are easily developed.

Client “B” - the “Direction Changer” or “Central Shaper” – perceives how the disparate pieces of the puzzle fit together and are similar to “bottom liners” in that they can visualize the end goal. However, direction changers are more interested in HOW the goal will be achieved than the end result. Client “B” – Brian is an engineer, and the patriarch of an affluent family, who wants to minimize estate tax liability and facilitate wealth transfer. A specialized plan is proposed, explained, and Brian gives the ‘go ahead’ for implementation. Nonetheless, each time documents are presented for execution, he focuses on incidental provisions, is consumed with the details of the document and loses sight of his original goal. For clients like Brian, develop a visual aid on one piece of paper that illustrates how the various pieces interrelate. At each meeting, use the visual to remind Brian of the structure of his estate plan and how the different documents relate to one another.

Client “C” – the “Creator” – is always coming up with a new idea. But because he is constantly jumping from one idea to the next, he fails to think through the details. Client

“C” – Carl is an innovative entrepreneur and calls the attorney on a weekly basis with a new opportunity and project to investigate. Unfortunately, once a corporate structure is proposed, Carl is already busy working onto his next venture and has little to no interest in corporate formalities. Deadlines are never met and closure is torture. For clients like Carl, set incremental deadlines to make certain a project can be brought to fruition and educate the client on the legal repercussions of failure to meet deadlines.

Client “D” – the “Disconnecter” or “Random Connector” - is a risk taker and is so focused on the result that he often fails to fill in all of the missing pieces before coming to a conclusion. He has incredible knowledge of a particular area but has difficulty communicating it to others, especially his attorney. Client “D” – Douglas is a highly successful options trader with nearly twenty traders working for him. He switches the conversation from personal asset protection concerns to employee retention and matriculation without any transition. He articulates whatever comes to his mind and the attorney is overwhelmed with the incidental information presented. Douglas is constantly shifting in his chair and has difficulty sitting still. Meetings are intense and exhausting. When meeting with clients like Douglas, bring colored markers to the meeting and circle the specific issue of focus in a document or visual aid to help keep him focused on one issue before moving onto the next.

With heightened awareness and focus, an attorney can discover a client’s mental paradigm and tailor her communications and presentation to maximize the efficiency and effectiveness of interaction.

About the Author: *Lindsey Paige Markus* is an associate at the law firm of Chuhak & Tecson, P.C. Prior to entering the legal arena, Lindsey worked with her mother, Donalee Markus, Ph.D. and Designs for Strong Minds, as a consultant using paper and pencil puzzles to maximize intelligence. Lindsey’s unique set of skills arm her with the ability to develop creative and innovative solutions in estate planning and asset protection.”