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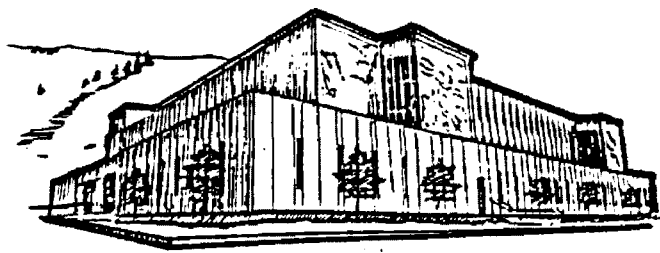
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University of  
**Montana**



**THE ATTORNEY/CLIENT RELATIONSHIP:  
ATTORNEY COMMUNICATION COMPETENCE  
AND CLIENT SATISFACTION**

**By**

**Krisann Lynn Hill**

**B. A., University of Montana, 1991**

**Presented in partial fulfillment of the requirements  
for the degree of  
Master of Arts  
University of Montana  
1993**

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*May 14, 1993*  
\_\_\_\_\_  
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## ABSTRACT

Hill, Krisann L., M.A., May 1993

Communication Studies

**The Attorney/Client Relationship: Attorney Communication Competence and Client Satisfaction (100 pp.)**

Director: Dr. William Wilmot

This study examines the relationship between attorney communication competence and client satisfaction. A questionnaire completed by 126 clients contained a revised version of Spitzburg's (1985) Conversational Skills Rating Scale. This questionnaire measured client perceptions of attorney expressiveness, altercentrism, composure, interaction management, empathy, participatory style, and amount of communication against seven measures of satisfaction (i.e., satisfaction with outcome, attorney overall, attorney legal competence, attorney communication competence, and the legal process overall, as well as the likelihood of recommending and returning to the same attorney in the future).

The results indicate that a majority of the participants only felt slightly above neutral on almost all indicators of satisfaction, but felt for the most part that their attorneys were "good" communicators. Canonical correlations indicated that the competency variables of expressiveness, interaction management, and composure were the most significant indicators of the satisfaction variables of attorney legal competence, attorney overall, and outcome satisfaction. In addition, Pearson correlations indicated significant relationships between all the competency measures and all the satisfaction measures. It was also demonstrated that client satisfaction with attorney communication competence directly affects satisfaction with attorney legal competence. Moreover, client satisfaction with attorneys affects overall satisfaction with the entire legal process. Finally, ANOVA computations indicated that clients who felt greatest satisfaction with attorney communication competence, felt greatest overall satisfaction.

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Finally, I could not have done this without aid from my friends and family. I thank all of my fellow Teaching Assistants for their patience when mine had run out and all of my friends for standing by me when I was at my lowest and celebrating when I was at my highest. In particular, I must thank my parents for providing me with the skills and ambition to beat the odds and the concern for others who have felt powerless and betrayed by the legal process. And most importantly, I could not have done this without the patience, support, advice, and assistance from the "love of my life", Perry Eskridge. As a "soon-to-be" attorney, Perry provided assistance with legal research and reminded me that there are attorneys who truly uphold the interests of their clients and the values of the legal process originally introduced by the framers of the constitution.

## CHAPTER ONE INTRODUCTION

### Purpose

"What's the difference between a catfish and a lawyer? One's a scum-sucking bottom dweller and the other is a fish."

"The first thing we do, let's kill all the lawyers."

Shakespeare, William. King Henry VI,  
Part II, IV, ii.

"How can you tell lawyers are lying? Their lips are moving."

One of the most outstanding problems of the legal profession is dissatisfaction with the legal process and more importantly, with lawyers. This dissatisfaction manifests itself through the jokes and insults which are thrown at the legal profession on a daily basis. The popularity of humorous attacks on the legal profession indicates a responsive chord in the public -- people find this humor funny because they can relate to other's dissatisfaction with attorneys. Unfortunately, insufficient research exists which investigates the causes of this dissatisfaction. Attempts to respond to this underlying dissatisfaction will be more effective if the basis of this dissatisfaction is clarified.

Because so little research has been conducted on the attorney/client relationship, this study will be exploratory in nature. In particular, it will focus on the reasons clients are dissatisfied or satisfied with their attorneys.

Since similar research has been implemented for relationships between mediators/clients, physicians/patients, and counselors/clients, this study will be guided by these research findings. But first it is necessary to demonstrate current research on dissatisfaction with attorneys and the proposed reasons for this dissatisfaction.

### Rationale

Current dissatisfaction with attorneys became readily apparent through surveys of the public. In a review of three American Bar Association surveys of existing societal opinion towards attorneys, Thomason (1974) found that only 21.4 percent of 788 Texans had favorable attitudes towards attorneys; further, 50.4 percent felt attorneys were in the business for money and personal gain. And in North Dakota, it was found that only 42 percent of the participants were satisfied with their most recent experience with an attorney (Thomason, 1974). From these surveys, it appears that a majority of the polled participants are unhappy with the legal system, and attorneys are bearing the brunt of this unhappiness.

Similarly, in 1986 a profile of legal malpractice was constructed by the American Bar Association and it was found that 16 percent of all malpractice suits were client-related (ABA, 1986). Of these client-related "errors," 55 percent were attributed to failure to obtain client consent or to

inform the client, while 36 percent were due to failure to follow client instructions.

In regards to the specifics of this dissatisfaction, Curran (1977) found in a sample of 2,064 United States citizens that "lawyers were rated highest on honesty with clients and lowest on keeping clients informed of progress" (p. 211). Moreover, she found that clients whose most recent experience with a lawyer was negative were consequently more negative in their views of the entire legal system and lawyers in general. Based on her findings, she proposed that one bad experience with an attorney may be at the root of much of the societal unrest towards the legal system in general.

In another public opinion survey, Wilson (1981) found that 21 percent of Nebraska's population expressed complete confidence in attorneys, while 24 percent stated that they had either questionable or no confidence whatsoever in attorneys and the quality of their work.

There is considerable speculation regarding the reasons why these clients surveyed were dissatisfied with their attorneys. For example, Smith (1978a) states that although there is little empirical evidence to prove it, "there is good reason to believe that poor communicative behavior results in malpractice litigation" (p. 255). Furthermore, one court observed that "If there had been a greater degree of communication between lawyer and client, or clients, this

matter may never have resulted in litigation."<sup>1</sup> Thus, it is suggested that the quality of communication may be just as important as the quantity in promoting client satisfaction.

In addition to the affects of quality and quantity of attorney communication on client satisfaction, clients may feel increased satisfaction if they are more involved in the decision-making process. Unfortunately, though, Solomon and Siegel (1992) think the practice of most attorneys involves the expectation of the client "to stand by passively while the lawyer lays out a limited set of legal considerations and selects for the client ... the course of action his professional judgement dictates" (p. 34). This approach obviously fails to empower clients and leaves them in a powerless role. Cochran (1990) believes when clients are not involved in decision-making they will be more dissatisfied.

Smith (1978a) believes an additional cause of dissatisfaction is the lack of concern for clients which is conveyed when the lawyer rushes "the client to action or [fails] to find out what the client's problem or the facts really are" (152). Smith also notes that attorneys often make no attempt to check client understanding and that clients may become disgruntled when they are unable to fully

---

<sup>1</sup>Rolfstad, Winkjer, Suess, McKennett & Kaiser v. Hanson, 221 N. W. 2d 734, 738 (N.D. 1974).

express their anxiety over their legal problems. Furthermore, the impersonalization that takes place when lawyers make clients wait, overbook, take casual attitudes towards client complaints, and demonstrate a lack of concern or empathy (no matter how unintentional) also generates undue anxiety in clients (Smith, 1978a). As Solomon and Siegel (1992) state: "our primary duty is not to handle cases; it is to serve clients...however, lawyers seem to be out of touch with the real needs and interests of their clients [and] communicating with a client is seen as an impediment of the efficient practice of law" (p. 14). They believe that attention to attorney/client communication may be the most important avenue for enhancing the legal profession's image. And as Clawar (1988) states, "improved lawyer/client relationships are the shortcut to a successful practice -- better known as satisfied clients, a productive staff, and big profits" (p. Vii). Thus, more humane treatment of clients may not only lead to more satisfied clients and decreased malpractice suits but to increased profits as well.

Several authors believe the attorney communication problems described above stem from a lack of training in law schools (Smith, 1978a; Smith, 1978b; Willett, 1985). For example, O'Barr (1982) remarks that current legal education "seems to teach little of relevance to future professional activities (p. 115). Furthermore, Smith (1978a) believes

traditional legal education reinforces the attorney notion that communication is merely an "exchange of the factual information needed to achieve a desired legal result" (p. 151). These notions fail to take into account clients' need for reassurance, client expectations, and clients' need to discuss the problem in detail. Willett (1985) states that attorneys are often not trained in the basic interpersonal skills necessary to humanely relay attorneys' concern for clients and thus, relieve their clients' anxieties. Consequently, Zwicker (1991) proposes rather eloquently that "In our race to embrace the law, we too often see our clients as problems that need to be solved, rather than as people who need attention" (p. 100).

The authors cited above propose that client satisfaction is closely connected to attorneys' communication behaviors (i.e., amount of communication, involving clients in decisions, and providing more humane treatment). Although legal journals and periodicals are overflowing with advice from legal and social science scholars citing cures for these communication problems, little of the information provided is based on empirical research. For instance, these authors primarily utilize their own personal experience or extrapolate from empirical research conducted on relationships between mediator and client, physician and patient, or counselor and client.



Unfortunately, very little empirical research exists in the legal setting to support these claims.

Consequently, an extensive review is necessary to provide the groundwork to initiate empirical research in attorney/client relationships. First, research conducted within the legal setting utilizing actual attorneys and clients will be evaluated. Second, an exploration of the research findings in the related fields of mediator/client, physician/patient, and counselor/client communication will also be reviewed. Finally, the review will be appraised utilizing a communication competence framework.

## CHAPTER TWO LITERATURE REVIEW

As mentioned in the previous chapter, several legal scholars propose that current client dissatisfaction with attorneys is caused by attorney communication behaviors. Unfortunately, inadequate research exists supporting these claims. The purpose of this chapter is to review existing research in the legal arena, as well as related research found in the fields of mediator/client, physician/patient and counselor/client relationships. But, first, it is necessary to explore the reasons for the lack of research in the legal field.

### Research Utilizing Attorneys and Clients

#### **Obstacles in the Study of Attorney/Client Communication**

Although research into attorney communication in the courtroom proves extensive and broad, very little research exists examining the components of the attorney/client relationship outside of the courtroom. Several authors have indicated their frustration as they have attempted and "failed" to implement research utilizing real attorneys and clients (Danet, Hoffman, & Kermish, 1980; Rosenthal, 1974). For instance, Danet et al. (1980) invested a great deal of time and effort in an attempt to tape-record and observe attorney/client interaction, but eventually gave up after their endeavors were met over and over again with polite and not so polite rejections from the legal community. As they

state, "the legal profession is almost by definition unsympathetic to the needs and interests of social scientists" (p. 908).

The major hurdle, as identified by the authors attempting to research attorney/client communication, is attorney/client privilege.<sup>2</sup> This rule of evidence states that "confidential communications between a lawyer and client made in the course of legal representation may not be revealed" (Danet et al., 1980, 908). This "privilege" concerns attorneys the most since social scientists studying these private interactions could be subpoenaed to testify at a later time concerning the case discussion observed whether clients object or not.

In addition to the attorney/client privilege, Rosenthal (1974) cites additional reasons attorneys have rejected social science research in the attorney/client domain. For instance, many attorneys feel that allowing social scientists access to their client would be an imposition on the client. Moreover, several attorneys feel they will receive very few rewards for cooperating. And, finally, Rosenthal proposes that attorneys may be wary or frightened of possible complaints.

In response to these objections, Danet et al. (1980) proceeded with their study in a completely different direction -- primarily by observing attorney/client

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<sup>2</sup>People v. Cooper, 307 N.Y. 253, (1954).

interaction in the courtroom. Rosenthal (1974), on the other hand, decided that "the only way to obtain meaningful information in order to get on with the inquiry would be to go to clients directly, rather than to lawyer intermediaries" (p. 181). His research and that of others is reviewed below.

### **Attorney/Client Communication**

The research which does exist on attorney/client relationships indicates that attorney communication behaviors do have a direct affect on client ratings. As mentioned above, Rosenthal (1974) decided to initiate research on attorney/client relationships by going directly to the client. The purpose of his rather extensive study was to determine "who's in charge" -- the attorney or the client. Rosenthal proposed that neither the attorney nor the client should be totally in charge but should share responsibility. By examining clients of personal injury claims, he hoped to discover whether attorney/client relationships falling under the "traditional approach" were more or less successful than those falling under his "participatory approach." Within a traditional approach, attorneys "exercise predominant control over and responsibility for the problem-solving delegated to him rather passively by the client" (p. 2). Whereas in the participatory approach, "clients participate actively in

dealing with their problems and share control and decision responsibility with the professional" (p. 2).

Using an all male sample,<sup>3</sup> Rosenthal interviewed clients with questions centering around nine broad topics:

1. The accident, the injury, and the injury's financial impact;
2. How the injury was established as a legal problem by the client;
3. Prior client experience with, and attitudes toward, the legal process;
4. Client experience with, and attitudes toward, the interaction with the lawyer;
5. Present feelings about the claims experience and the institutions of the claims process;
6. General attitudes toward personal problem solving;
7. Attitudes toward various legal reform proposals;
8. The degree of political activity of the client; and
9. Personal descriptive data.

In addition to client interviews, questionnaires were mailed to 60 attorneys who had worked directly with the sampled clients. These questionnaires sought general information about their attitudes towards their work and office, with nothing specific about the client.

Findings from this study indicate that clients who actively participate in the legal process by asserting their concerns "receive better service both in [their] subjective terms and in terms of objective case outcomes" (p. 43). In particular, the findings indicate that clients who demanded

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<sup>3</sup>Rosenthal felt an all male sample was appropriate because personal injury cases at the time consisted primarily of male participants. Consequently, the current study will utilize both males and females.

follow-up attention received the most successful case outcomes. Based on these findings, Rosenthal feels the participatory model increases client satisfaction in two ways: (1) it provides the satisfaction which occurs when people take control of their lives; and (2) participation "reduces excessive anxieties which are the product of uninformed fears and unexpected stress" as clients are encouraged by the professional to obtain necessary information to help them cope with these stresses (p. 168).

In addition to increasing client satisfaction through a participatory approach, Hillary and Johnson (1989) found similar results when they examined the role of power in client satisfaction with attorneys. In particular they found that "client orientation [power style] was positively correlated with rating of competence and satisfaction, and distancing orientation was negatively correlated with both measures" (p. 89). Hence, lawyers who share decision-making with their clients are more likely to induce satisfaction within their clients than those attorneys who take charge without involving the client.

Besides the power distribution, evidence exists which demonstrates that client emotions hinder effective attorney/client relationships. In examining case histories of initial attorney/client consultations, Goldsmith (1980) discovered that while attorneys and clients agreed that communication problems were occurring, they disagreed over

the source of the problems. For instance, clients felt attorneys were uninterested in client emotions (e.g., clients perceived their attorneys were using close-ended rather than open-ended questions and were not showing empathy), while attorneys felt that client emotions acted as barriers to effective communication. This corresponds to Thompson and Insalata's (1964) study examining the problem from the perspective of attorneys which found that attorneys felt communication problems were most prevalent when clients possessed an overall disturbed emotional state or emotional blocks. Doane and Cowen (1981) verified this attorney perception when they found that approximately 40 percent of the divorce lawyers' talk time is spent dealing with clients' emotional problems. Moreover, they found that the majority of their sample of attorneys felt it was important to deal with the clients' emotional states but felt uncomfortable and ineffective in that role.

In addition to the roles power distribution and emotions play on client satisfaction, Tyler and his colleagues have also found that client dissatisfaction with the legal system relates less to the outcome of their case and more with the process itself (Casper, Tyler, & Fisher, 1988; Tyler, 1988; Tyler, 1984). This corresponds to the legal advice suggesting that attorneys need to focus less on "winning" the case to increase client satisfaction and more

on the "process" they use to win (i.e., communication skills in relaying the process to the client).

Only one study initiated direct experimental manipulation to determine just how much of an affect the above factors play in client satisfaction (Feldman & Wilson, 1981). Unfortunately, this study was based on simulated attorney-client interviews where students rated attorneys, rather than actual clients rating actual attorneys (Wilson, 1981). It is interesting to note, though, that the authors found that attorneys who are highly legally competent and highly skilled at interpersonal skills are perceived as more expert, attractive and trustworthy (i.e., warm, open, and concerned versus cold, distant, and condescending). In addition, these same attorneys were predicted by the study's participants to have a greater likelihood of satisfying clients and being recommended and used in the future. Moreover, the authors found that "relational skill contributes more to the formation of a client's perception of his or her attorney than does the attorney's level of legal competence" (p. 311). This relational skill is identified through the use of things like shaking hands with the client, using first names, leaning forward, appearing warm and animated, and utilizing active listening.

From this review, it is evident that power distributions, emotions, and attorney communication behaviors all play a powerful role in client satisfaction.



Considerable research must be conducted, though, to validate these findings so that conclusions can be drawn concerning the causes of public dissatisfaction with attorneys. Once causes of dissatisfaction are clarified, solutions can be implemented. Fortunately, research has been conducted with related professions (i.e., mediators, physicians, and counselors) and these findings may provide useful information regarding the role professionals play in client satisfaction. Consequently, a review of the research conducted with these professionals and their clients is in order.

### Related Research

The purpose of this section is twofold. First, it will review client satisfaction research in the related fields of client relationships with mediators, physicians, and counselors. And second, it will demonstrate possible components of professional behaviors leading to greater client satisfaction. These professional fields were selected for review due to similarities with their relational characteristics and that of the attorney/client relationship. Since mediators are often used in place of attorneys to resolve legal disputes, research in this field will be reviewed first.

### **Mediator/Client Communication**

In response to the growing number of divorce and child custody cases coming before family courts, and an increase

in dissatisfied participants (i.e., parents, lawyers, and judges), mediation has become a popular substitute for litigation to increase participant satisfaction. Since mediation has been heralded as the wave of the future for handling conflicts in a more effectively humane manner than that allowed by the judicial process, it is useful to clarify the components of mediation which lead to greater satisfaction than the litigation process.

Folberg (1985) defines child custody mediation as a "non-therapeutic process by which parents, with the assistance of a neutral resource person [i.e., the mediator], systematically isolate points of agreement and disagreement, explore alternatives and consider accommodations to reach a consensual decision on issues relating to their children" (p. 414). Similarly, Weissman and Leick (1985) believe mediation is unique because it is task-oriented, avoids the assignment of blame, does not require adversarial protection of client interests, and discourages dependence on professionals.

In addition to the advantages cited above, mediation has been found to allow greater satisfaction and consequent compliance of agreements by conflict parties because of greater savings in both time and money, decreased hostility between parents, and decreased amounts of relitigation.<sup>4</sup>

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<sup>4</sup> Since detailed reviews of these advantages and disadvantages exist elsewhere, the author refers the reader to Folberg, 1985; Garner, 1989; Hocker & Wilmot, 1991; Kressel, 1987;

Although disadvantages have been cited along with the advantages, the popularity of mediation legislation continues to expand rapidly. The continued interest may be due to the findings of some researchers which indicate that disadvantages are relatively low when compared to such tremendous benefits. For instance, Kelly and Gigy (1989) found that a significant minority of their sample of divorcing couples who did not reach a mediated settlement "nevertheless valued the process because it is accomplished through other things, such as improving communication" with the other party (p. 397). As Roehl and Cook (1989) note, mediation's "main strength continues to be its humanizing force, its treatment of citizens with concern and dignity, and its satisfactory resolution of disputes while leaving relationships intact" (p. 47). Thus, if attorneys also deliver more humane service they may increase client satisfaction.

In particular, criticisms against the legal process compared to the mediation process center around the impersonality and degree of control exercised by the legal system (Pearson & Thoennes, 1985). Mediation, on the other hand, identifies underlying problems, maintains a less rushed or superficial process, provides an opportunity to voice opinions and concerns, and diminishes tensions and defensiveness. From these findings, it can be proposed that

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Milne, 1991; Weissman & Leick, 1985.

attorneys could increase client satisfaction through more humane treatment by identifying underlying client concerns and opinions, spending more time with clients, and increasing client feelings of comfort.

### **Physician/Patient Communication**

In addition to borrowing from the mediation literature, many legal scholars and attorneys have adapted findings from physician/patient communication. For the most part, communication and legal scholars agree that the similarities between the physician/patient and attorney/client relationships are greater than the differences. For instance, both patients and clients seek out assistance from the expert and in doing so place some degree of power in the expert's hands. Both patients and clients tend to experience stress, nervousness, and intense emotions surrounding their visit to the expert. Moreover, both physicians and attorneys perform differing roles of educator, counselor, and advisor.

Satisfaction has been studied and analyzed in a number of ways in the medical literature. For instance, a meta-analysis of 221 studies found that variables examined with satisfaction instruments in the medical field included degrees of directness, specificity, type of care, and dimensionality (Hall & Dornan, 1988). Directness refers to whether questions regarding satisfaction were asked directly or indirectly, while specificity refers to whether questions

were about a specific visit or health services in general. Type of care evaluated satisfaction for different types of care and dimensionality evaluated satisfaction on a number of different aspects of medical care. Of these studies, 82 percent were drawn from a known site, whereas 18 percent were based on communication sampling and the remaining on experimental manipulations. In a later review of the same 221 studies, the dimensions of satisfaction included overall satisfaction and satisfaction with access, cost, overall quality, humaneness, competence, amount of information supplied, bureaucratic arrangements, physical facilities, and provider's attention to psychosocial problems of the patient (Hall & Dornan, 1988). From these dimensions, it was found that the overall quality and humaneness on the part of the physician were ranked as most important to patients, while physicians' attention to psychosocial problems and assistance to deal with bureaucracy were ranked the lowest. Similarly, "patients' evaluations of the physician's communication were associated strongly with patients' evaluations of medical care, suggesting that competence in communication may be a facet of medical competence" (Buller & Buller, 1987, 375). Thus, a physician's ability to communicate not only affects client satisfaction with that communication but also satisfaction with the physician's medical abilities and knowledge.

In particular, physicians who are perceived as more affiliative (Buller & Buller, 1987; Street & Buller, 1987), involved (Street & Wiemann, 1987), expressive (Buller & Buller, 1987; Street & Wiemann, 1987), warm and friendly (Korsch, Gozzi, & Francis, 1968), caring and concerned (Buller & Buller, 1987; Smith, Polis, & Hadac, 1981) and less dominant or controlling (Burgoon, Pfau, Parrott, Birk, Coker, & Burgoon, 1987; Street & Wiemann, 1988) induced greater satisfaction in their clients. For instance, one study found that clients felt greater satisfaction when physicians maintained "more expressions of receptivity, immediacy, composure, similarity, and formality and less dominance by the physician" (Burgoon et al., 1987). In this study, the authors make the distinction between cognitive satisfaction (i.e., patients' perceptions that they are well-informed), affective satisfaction (patients' perception of trust for physicians based on feeling accepted, liked, concerned about, and free to self-disclose), and behavioral satisfaction (patients' perception that visits are not rushed or incomplete).

In regards to nonverbal behavior, researchers have found that physicians who communicate an open posture or body orientation, as well as direct eye gaze and a variety of facial expressions, promote greater satisfaction in their patients (Harrigan & Rosenthal, 1983; Street & Buller, 1987). Furthermore, the physician's ability to communicate

and understand body movements and facial expressions in the detection of emotions were significant predictors of satisfaction (Dimatteo, Taranta, Friedman, & Prince, 1980). Moreover, the caring and concern which leads to greater satisfaction were communicated through greater interview length and close physical proximity (Smith et al., 1981).

These research findings have several implications for attorney/client research. First by applying these research findings to attorney/client research, it would be interesting to examine which satisfaction components of the legal process (i.e., satisfaction with outcome, attorney, etc.) have the greatest affect on overall satisfaction. Second, attorneys may increase client satisfaction through verbal and nonverbal behaviors which convey expressiveness, friendliness, less control, concern, and composure.

#### **Counselor/Client Communication**

In addition to the physician/patient relationship, similar findings are evident in counselor/client satisfaction research. Attorneys are also expected at some point to "counsel" or "advise" their clients on legal matters. As Shaffer (1975) suggests, lawyers not only need those ideal lawyer behaviors such as aggression, objectiveness, and ability to argue, but also require counseling abilities such as practicing acceptance and understanding. For instance, clients enter the attorney/client relationship needing encouragement, support,

and understanding. Consequently, legal scholars provide advice based on counseling research findings in an attempt to decrease malpractice.

Lee and Hallberg (1982) discovered eight aspects of counselor nonverbal behavior that have been shown to be important dimensions underlying effective helping messages. These include the use of eye contact, smiles, head nods, facial expressions, intonation, speech disfluencies, gestures, and posture.

In addition to nonverbal behaviors to increase effectiveness, another study found that client expectations have an affect on client satisfaction with counseling (Heppner & Heesacker, 1983). The authors found that the greater client expectations are concerning counselor openness and trustworthiness, the greater their satisfaction. This indicates that client expectations before entering the professional/client relationship may have an effect on subsequent satisfaction.

Finally, the majority of the remaining studies correspond to the findings in the medical literature -- client perceptions of counselors expertness, attractiveness, and trustworthiness have a direct affect on client satisfaction, rate of return for subsequent appointments, and clients' choice to terminate prematurely (Heppner & Heesacker, 1983; Kokotovic & Tracey, 1987; Lee, Uhlemann, & Haase, 1985; McNeil, May & Lee, 1987). The authors' focus



stems from the interpersonal influence literature and the ways counselors influence client satisfaction.

From the counseling findings described above, satisfaction with the attorney/client relationship may increase through utilizing effective nonverbal behaviors, clarifying client expectations, and conveying trustworthiness and expertness. Readily apparent from this review, though, is the lack of evidence to substantiate advice given by legal scholars for attorneys. Although legal scholars feel support exists based on findings from these other fields and personal experiences, it remains to be demonstrated whether client perceptions of attorneys' ability to communicate have a direct affect on client satisfaction. Consequently, the purpose of this project is to analyze communication issues surrounding client satisfaction and client perceptions of attorney communication competence. Thus, a definition of communication competence and a specification of its components are in order before initiating a formal study.

#### Communication Competence<sup>5</sup>

Within this section, communication competence will be defined by examining its theoretical components, as well as those skills exemplifying a competent communicator.

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<sup>5</sup> The following review is patterned after Spitzberg and Cupach's (1984) conceptualization of communication competence which is based on their comprehension of the literature.

Communicative competence is defined as "the ability to adapt messages appropriately [as well as effectively] to the interaction context" (p. 65). The criteria of appropriateness is met when "interactants perceive that they understand the content of the encounter and have not had their norms or rules violated too extensively" (p. 101). Effectiveness, on the other hand, is determined by the "successful adaptation to or resolution of interpersonally problematic situations and the achievement of intended or desirable results through communication" (p. 103). The key here is perceptions about behaviors for one can not be an effective and appropriate communicator if others do not perceive you as such. Consequently, client perceptions of attorney communication competence is more important in evaluating level of competence than either the attorney's self-rating or an outside observer's rating.

Based on the above criteria of appropriateness and effectiveness, competent communicators may display abilities to effectively role take, empathize, accomplish tasks successfully, problem-solve, make decisions, care, accept, and respect, but they only become truly competent if they utilize these abilities based on the appropriateness of the context, as well as the audience. In other words, competent communicators select from a wide array of effective behaviors which best meet the demands of the situation and person involved. This implies that competent attorneys

utilize the aforementioned behaviors as needed based on such things as: (1) the client's unique needs, emotional readiness, and abilities, and (2) the type of case (i.e., civil versus criminal), and (3) the attorney's legal competence. It implies that a number of factors play into an attorney's ability to competently communicate with the client, but in particular, effectiveness and appropriateness must both be met before one is perceived as competent.

In addition to the criteria of appropriateness and effectiveness, competence is contextual. This means that one is considered competent within a particular context, rather than as a whole. Consequently, attorneys are perceived competent based on the situation where their behaviors occur rather than on their traits in general, since individuals' behaviors vary from situation to situation. For example, an attorney in the courtroom will be judged differently by the client than during office visits.

In rating communication competence, it is important to remember that "competence is a matter of degree" (p. 109). Communication as a process is continuously changing and adapting to the environment. Thus, communication competence is relative to the situation, as well as to the level of satisfaction with a particular outcome. For instance, clients may weigh their dissatisfaction with the outcome of the case against their level of satisfaction with their

attorneys' communication competence. If their satisfaction with their attorney outweighs that towards the outcome, their overall evaluation of their experience may be positive.

Communication competence also entails both molecular and molar perceptions of competence (i.e., perceptions about specific behaviors versus perceptions about general dispositions respectively). It is the molar perceptions, though, that provide the greater valuative criteria. Whereas, the molecular impressions help understand what specific behaviors attorneys use effectively or ineffectively.

Finally, "competent communication is functional" (p. 112). In other words, an individual is perceived to possess communicative competence based on outcomes of interaction (i.e., successfully obtaining a satisfactory level in relationships) rather than based on actual messages produced in interaction (i.e., how someone behaves). Thus, a person is perceived competent based on feelings towards the outcome of the communication episode rather than the specific behaviors. Hence, client dissatisfaction with attorneys (i.e., outcome) may result from attorney communication

incompetence since "the mutual satisfaction of interactants is consequently a typical criterion of relationally competent communication" (p. 68).

Based on the criteria reviewed above, Spitzberg and Cupach (1984) describe "those personal characteristics that produce the highest probability of leading to impressions of competence in self and other" -- motivation, knowledge, skills, and criterion outcomes (p. 120). Motivation refers to such things as attentiveness, politeness, concern, cooperativeness, immediacy, involvement, and "other orientation." Other orientation is when one is "able to manifest attentive, concerned, and empathic communication and still be able to manage the conversation(s) in personally desirable ways" (p. 69). Obviously, this skill would be especially important for attorneys who must convey concern and empathy while assisting clients in their legal problems if they wish to promote satisfaction.

Knowledge refers to "the possession of, or ability to creatively acquire, the requisite cognitive information necessary to implement conversationally competent behaviors in an interpersonal context" (p. 123). In other words, competent communicators convey knowledge when they are able to effectively and appropriately problem-solve, utilize social and interpersonal rules, empathize, role-take, and self-monitor.

Various skills competent communicators typically display have been identified by several authors. Spitzberg and Cupach (1984) categorize these under four general headings -- other-oriented behaviors, social anxiety/relaxation behaviors, expressiveness, and interaction management (see Table 2-1 for examples).

**TABLE 2-1**  
**Skills of Competent Communicators**

<b>OTHER-ORIENTED BEHAVIORS</b>	<b>SOCIAL ANXIETY/RELAXATION</b>	<b>EXPRESSIVENESS</b>	<b>INTERACTION MANAGEMENT</b>
-identifying feelings -empathy -attending nonverbals -seeking clarification -eye contact -concern -immediacy	-touching -fidgeting -rapid speech -self-grooming -postural swaying -tense voice -eye contact avoidance	-expressing feelings -humor -openness -appropriate affect -gesturing -facial expressiveness -laugh/smile -vocal range	-open-ended questions -topic initiation and maintenance -interruptions -greeting rituals

Many behaviors can fall under more than one of these categories at the same time (e.g., eye contact).

A final characteristic of a competent communicator is criterion outcomes. Previous studies have cited outcomes such as feeling good, interpersonal satisfaction, relational satisfaction, and communication satisfaction. In particular, communication satisfaction has been studied by Hecht and his colleagues (Hecht, 1978; Hecht, Sereno, & Spitzberg, 1984) and is defined as positive emotion felt after a successful communication encounter.

According to Spitzberg and Cupach (1984) "competent communication has been shown to facilitate psychological health, educational success, occupational success, intercultural adjustment, and social effectiveness" (p. 32). Hence, it is an obvious choice for attorneys to increase their communication competence if they wish to promote greater success in the attorney/client relationship.

#### Summary

From the available research which utilizes actual attorneys and clients, the use of participatory decision-making, client orientation, dealing with client emotions, the focus on process rather than outcome, and relational skill have been the only areas identified to affect client satisfaction. Moreover, this legal research was exploratory in nature and consequently, the findings require further validation.

Related research has found that professionals who have more satisfied clients display the following: recognition that the process is as important, if not more important, than the outcome; humanistic treatment through the use of immediate and open nonverbal behavior, a less rushed process, active listening, less domination, and empathy; a more affiliative, expressive, trustworthy, and expert style of communicating; and warmth, friendliness, concern, and understanding. It was also found that the professional's ability to communicate may have a direct affect on

perceptions of professional competence (i.e., expert competence in the field).

Finally based on the review of communication competence, attorneys who competently communicate are predicted to increase satisfaction in their clients. Competent communication involves effectively and appropriately utilizing a variety of skills which best meet clients' unique needs and concerns. Moreover, perceptions of attorney communication competence only exists to the extent clients perceive it exists. Consequently, client ratings of attorneys will provide more fruitful information than attorney self-rating or outside observer ratings. These ratings must take into account both molecular and molar ratings of client perceptions of attorney motivation, knowledge, and skills. Finally, these perceptions must be based on functional outcomes (i.e., perceptions of satisfaction levels).

#### Research Question

Based upon the above review, several items of concern relating to the attorney/client relationships are readily apparent. From the reviewed surveys and research on attorney/client relationships, it is quite obvious that a very serious problem exists in the legal system, as society becomes more and more dissatisfied and malpractice rates steadily increase. While some believe the source of dissatisfaction is the attorney, others indicate it may be



the system as a whole or even clients themselves. The overriding question that needs to be answered is the degree of client dissatisfaction with each and the source of this dissatisfaction (e.g., the attorney's ability to communicate, the outcome of case, etc.).

Of particular interest is the question surrounding the role attorneys play as instigators of client dissatisfaction. Specifically, it would prove useful to obtain client perceptions of how their needs and concerns were met through the legal process and by the attorney.

#### Research Question

What role does the level of attorney communication competence (i.e., expressiveness, other-orientation, social anxiety, interaction management, participatory style, empathy, and amount of communication), as perceived by the client, have on consequent client satisfaction?

## CHAPTER THREE METHODS

### Pilot Study

#### Procedures

To respond to the questions and concerns discovered in the review of the literature and initiate an initial investigation, the researcher conducted in-depth interviews with three previous clients of attorneys from a northwestern city in the United States. In-depth interviews were selected as the primary mode of investigation because of their open-ended format, which allows exploration of the issues at hand from the participants' perspective rather than from the researcher's. An outline of the interview schedule is provided as Appendix A. The questions centered around the participants' feelings before, during, and after their case towards attorneys and the process in general.

The participants chosen for this study were selected through snowball sampling by asking acquaintances for names of individuals who had consulted with an attorney in the last two years. The participants selected for this initial exploration included two males (ages 38 and 20) and one female (age 21), all of whom had differing types of cases. For instance, two of the individuals had pressed criminal charges against someone else and were represented by county attorneys. The third participant hired his own attorney in pursuit of a wrongful discharge suit. The differences ended

there, though, as the participants shared very similar feelings and experiences. In particular, all three proved highly motivated individuals who attempted to understand their attorneys' perspectives even though they felt these same attorneys made no effort to understand their perspectives.

### **Findings**

After an extensive analysis of the data, three primary themes became readily apparent. Overall, it appears from these findings that each participant felt powerless and as a mere "object" or "case," rather than a client. In response to these feelings, they desperately wanted a greater quantity of communication, as well as a higher quality of communication which informed them in clear language and made them feel that the attorney empathized and understood them (i.e., humanistic treatment).

In addition to desiring humanistic treatment, these clients wanted to feel that their attorneys were motivated to work on their cases. They felt that this motivation would be apparent if attorneys kept in contact with them and educated them on the process of their case. More importantly, however, is their feeling that the lack of the attorney motivation leads to legal errors and incompetence.

Finally, these findings present a rather alarming and discouraging view of the legal system. Although for the most part these clients previously claimed a moderate amount

of confidence in the legal system, they no longer feel the legal system protects the innocent, but instead is a mere game with more losers than winners. For example, one of the participants stated:

And so it [the legal system] is a self-serving type of system and I don't necessarily think it's serving the people it's meant to serve in the proper context from which the framers of the constitution had in mind. I think that if we went back to look at that [the constitution], I know you'd find all kinds of things that are really out of whack. It's just not the way it was meant to be and it has gotten into the economics. If you have enough money, you can buy your way out of it. Or if you have enough power, you can buy your way out of it. And the common person can't get justice for the little things. It's a real big issue. So it's [the legal process] confusing and complex at best.

For the most part, it appears that legal scholars are on the right track when they suggest attorneys emphasize clients needs, emotions and expectations by providing empathy, clarity, and shared decision-making to promote client satisfaction. The findings of this limited pilot study also support previous legal research which indicates that clients want a greater role in decision-making and more effective relational skills from the attorney. But probably the most interesting and over-arching theme was these participants' dissatisfaction with the overall process no matter the outcome of their case. One participant remarked, "I liked the outcome of the case, but if you're asking how I liked the process, no I didn't, I didn't like the process at all." And his overall satisfaction was "probably negative because its a pain (and) it was a lot, a lot of time, a lot

of effort trying to figure out what was going on and I worked hard for the outcome I got." Another participant also indicated that, "I felt re-victimized by having to accept something that I didn't have enough information or options about in the first place."

In addition, related research does seem to apply to the same needs as expressed by the participants of this study. For instance, just as patients and clients of mediators and counselors desire humanistic treatment and obtain greater satisfaction when given this treatment, so did the participants of this study. Moreover, the findings in related research that the professional's ability to communicate may have direct bearing on client satisfaction with professional competence was supported in this context as well. As these participants became more and more dissatisfied with the process and attorneys' ineffective communication, they began to question attorneys' legal competence as well.

Finally, it appears that attorney communication competence in these cases had a direct bearing on the participants' satisfaction. Not only did the participants feel their attorneys were ineffective in relaying information in a humanistic manner, but they also felt for the most part the attorneys' behaviors were inappropriate at best. Moreover, they felt their attorneys failed to communicate competently by failing to meet the criteria of

outcome evaluation (i.e., satisfaction). Therefore, participants felt that their attorneys were missing many of the basic characteristics involved in communicating competently as identified by Spitzberg and Cupach (i.e., motivation, knowledge, skills, and criterion outcomes; 1984).

In conclusion, the findings of this study are limited by its small participant number but it still presents a rather negative view of the legal profession. It attempted to explore the dissatisfaction with the legal system as it directly related to attorney communication competence and was found tremendously lacking by three highly motivated individuals. Obviously, the need for future research is readily apparent to provide even stronger support for communication training for attorneys. Consequently, a more extensive examination of the problem will be initiated with the current study.

## Current Study

### **Subjects**

Participants in this study consisted of 126 recent clients (i.e., have been in contact with their attorney in the last 24 months) of attorneys from a small city in the northwest. A description of the recruitment process will be reviewed under the Procedures Section.

### **Materials**

A questionnaire packet was prepared for all participants which included a cover letter, questionnaire, and a stamped self-addressed envelope (see Appendix B). The first part of the questionnaire included questions about demographic information (i.e., clients' age, gender, educational level), as well as the type of case, whether they were the plaintiff or the defendant, time spent in legal involvement, months passed since in contact with their attorney, how the case was settled (i.e, in or out of court), and whether they were appointed an attorney or selected their own attorney. Clients were also asked to provide their attorneys' gender. No other demographic information was asked regarding their attorney as it would primarily involve unreliable speculation on the part of the client.

The second part of the questionnaire (Appendix B) consisted of a process measure of clients' perceptions of their attorneys' communication competence. As discovered

from the review on communication competence, perceptions of an attorney's communication competence involves much more than an evaluation of a few skills and behaviors. Although Spitzberg (1988) has identified several scales analyzing perceptions of an individual's own communication competence and that of other's (i.e., approximately 128 measurement approaches), he has also identified numerous problems with these measures. For instance, he points out that most competence measurement approaches are not behaviorally focused, and thus, provide little information about the actual behaviors which cause individuals to perceive competence. Consequently, the scale chosen for this study is one of the few which provides both specific and general information about participant communication competence.

The scale selected for this study was the Conversational Skills Rating Scale (CSRS) originally developed by Spitzberg and Hecht (1984) and later refined by Spitzberg (1985 -- see also Spitzberg & Hurt, 1987; and Spitzberg & Huwe, 1991). This scale examines the four competency skills identified by Spitzberg and Cupach (1984) -- altercentrism (i.e., other-orientation), interaction management, expressiveness, and composure (i.e., social anxiety/relaxation) -- see Table 3-1 for item analysis. Several of the scale items reflect more than one category of skills. This measure also provides both molecular (25 items) and molar (5 items) perceptions of competence. The



molecular items are designed to provide more diagnostically specific information about the attorney's communication. The rating scale consists of a 5-point Likert scale with the dimensions anchored by "inadequate," "somewhat adequate," "adequate," "good," and "excellent." The molecular items on this scale can be used either as independent predictors of communication competence or can be summed into subscales or across all 25 to provide an overall measure of communication competence. In addition, the five molar items (i.e., evaluations of overall interaction management, expressiveness, attentiveness/responsiveness, composure, and appropriateness/effectiveness) provide a validity criterion for the behavioral (i.e., molecular) items. This scale has proven fairly reliable in previous studies (e.g., coefficient alpha of .94 and .91). In particular, it was found to have high internal reliability and strong validity coefficients with measures of satisfaction (see Cranley & Brunner, 1988).

In addition to the Conversational Skills Rating Scale (CSRS) as a process measure, three other variables were also examined: participatory style, empathy, and amount of time spent communicating. These variables utilized the same Likert scale as that of the CSRS. Table 3-1 lists the communication competence components and the scale items used to measure them.

**TABLE 3-1 \***  
**The Questionnaire Items**

<b>ALTERCENTRISM</b>
<ul style="list-style-type: none"> <li>1. Use of eye contact</li> <li>4. Use of time speaking relative to you</li> <li>11. Asking of questions</li> <li>12. Nodding of head in response to your statements</li> <li>13. Leaning towards you (neither too far forward nor too far back)</li> <li>14. Speaking about you (involved you in the conversations as a topic of conversation)</li> <li>15. Speaking about self (didn't talk too much about self or own interests)</li> <li>16. Encouragements or agreements (encouraged you to talk)</li> </ul>
<b>INTERACTION MANAGEMENT</b>
<ul style="list-style-type: none"> <li>1. Use of eye contact</li> <li>2. Initiating new topics</li> <li>3. Staying on the topic and following-up comments</li> <li>4. Use of time speaking relative to you</li> <li>5. Speaking rate (neither too slow nor too fast)</li> <li>6. Speaking fluency (avoided pauses, silences, "uh", etc.)</li> </ul>
<b>EXPRESSIVENESS</b>
<ul style="list-style-type: none"> <li>10. Articulation (language clearly pronounced and understood)</li> <li>17. Use of humor and/or stories</li> <li>18. Vocal variety (avoided monotone voice)</li> <li>19. Vocal volume (neither too loud nor too soft)</li> <li>20. Expression of personal opinions (neither too passive nor aggressive)</li> <li>21. Facial expressiveness (neither blank nor exaggerated)</li> <li>22. Use of gestures to emphasize what was being said</li> <li>23. Smiling and/or laughing</li> </ul>

**\*\*Table continued on next page\*\***

Table 3-1 (continued)

<b>COMPOSURE</b>	
1.	Use of eye contact
5.	Speaking rate (neither too slow nor too fast)
6.	Speaking fluency (avoided pauses, silences, "uh", etc.)
7.	Vocal confidence (neither tense nor nervous sounding)
8.	** Calmness (avoided fidgeting and no noticeable nervousness)
9.	Posture (neither too closed/formal nor too open/informal)
20.	Expression of personal opinions (neither too passive nor aggressive)
<b>PARTICIPATORY STYLE</b>	
24.	Encouraged my participation
25.	Shared the decision-making process
<b>EMPATHY</b>	
26.	Appeared trustworthy
27.	Appeared to actively listen to me
28.	Clarified my concerns and needs
29.	Appeared supportive
30.	Seemed to be understanding
<b>AMOUNT OF COMMUNICATION</b>	

\* Original scale item referring to interruptions of partner's speaking turns was not included in this study as it was determined that it did not fit into the anchors. \*\* Original scale items referring to shaking and fidgeting were combined under calmness.

To measure outcome criteria of communication competence, participants were asked to rank their level of satisfaction with the various components of the legal process -- case outcome, attorney's overall competence, attorney's legal competence, attorney's communication competence, and overall satisfaction. These dimensions of

satisfaction also utilized a 5-point Likert scale from "highly dissatisfied" to "highly satisfied." Participants were also asked if they would recommend their attorney in the future or bring their own future legal work to the same attorney. These last two measures of satisfaction utilized a 5-point Likert scale from "very likely" to "very unlikely".

### Procedures

Participants were selected through two samples -- a random and a convenience sample. The random sample was taken from a county listing of cases filed in the last twenty-four months. This time-line was selected since it would be enough time for an attorney/client relationship to develop but not too much time for clients to have forgotten their experience.

Without regard to case type, every fifth case was selected and both the plaintiff's and defendant's names, case number, and case type were recorded. Of the 400 names obtained, only 150 addresses were attainable through case records and the local phone directory. These 150 participants were sent a questionnaire packet (see Appendix B).

Approximately one week after the original mailing, participants who had not yet returned their questionnaire (n=112) and whose telephone number was available (n=69/112) were contacted by telephone. Participants were asked

whether they had received the questionnaire, if they had returned it, and if they had not returned it, their reasons for not doing so (see Appendix D). Of the 69 attempted phone follow-ups, 12 had telephones disconnected or the wrong number, 18 did not answer, 5 were busy, and 34 were contacted. Of these 34 contacted, 11 agreed to fill out another questionnaire, 9 gave their responses over the phone, 7 did not want to respond, and 7 said they would return their original questionnaire. Those seven who did not wish to respond gave the following reasons: felt it was in their best interests not to respond, just wanted to forget their ordeal, their attorney told them not to participate, felt it was not "safe" to complete the questionnaire, felt it was none of my business, and wanted nothing to do with attorneys ever again. Eventually, sixty-four of the 150 participants surveyed through the random sample returned their questionnaires (i.e., 43% return rate).

To supplement the random sample, a convenience sample was also initiated. Moreover, this sample was predicted to provide information from clients who may have never filed a case but still met with an attorney. Participants of the convenience sample were recruited through college classrooms and campus offices. A total of 100 questionnaires were distributed in this manner. Participants were asked to complete the questionnaire if they had hired an attorney and

had been in contact with that attorney in the last 24 months. A return rate of 62 percent was obtained (n=62).

### Design

The design was correlational, and as Spitzberg (1985) suggests for larger samples, the measure was factor analyzed utilizing the subscales derived from his priori structure of the item analysis. Chronbach alphas were then obtained to determine subscale reliabilities. Next, Canonical Correlations were calculated between the seven molecular communication competency and seven satisfaction variables, as well as between the five molar and seven satisfaction variables (see Table 3-2). Pearson correlations were also obtained to gather information regarding intercorrelations between variables. Finally, ANOVA comparisons were executed to ascertain significant differences between sample and case types, as well as between plaintiffs and defendants, the amount of time since in contact with the attorney, the amount of time spent in legal involvement, whether the case was settled in or out of court, whether the attorney was court-appointed or self-selected, and the attorney's sex.

**TABLE 3-2**  
**Canonical Variable Sets**

<b>SET ONE</b>	
<b>PREDICTOR VARIABLES</b> <b>Molecular</b>	<b>CRITERION VARIABLES</b> <b>Satisfaction</b>
<ul style="list-style-type: none"> <li>-Expressiveness</li> <li>-Altercentrism</li> <li>-Composure</li> <li>-Interaction Management</li> <li>-Participatory Style</li> <li>-Empathy</li> <li>-Amount of Communication</li> </ul>	<ul style="list-style-type: none"> <li>-Case Outcome</li> <li>-Attorney Overall</li> <li>-Attorney's Legal Competence</li> <li>-Attorney's Communication Competence</li> <li>-Likelihood of Recommending to a Friend</li> <li>-Likelihood of Returning</li> </ul>
<b>SET TWO</b>	
<b>PREDICTOR VARIABLES</b> <b>Molar</b>	<b>CRITERION VARIABLES</b> <b>Satisfaction</b>
<ul style="list-style-type: none"> <li>-Overall Expressiveness</li> <li>-Overall Altercentrism</li> <li>-Overall Composure</li> <li>-Overall Interaction Management</li> <li>-Overall Effectiveness and Appropriateness</li> </ul>	<ul style="list-style-type: none"> <li>-Case Outcome</li> <li>-Attorney Overall</li> <li>-Attorney's Legal Competence</li> <li>-Attorney's Communication Competence</li> <li>-Likelihood of Recommending to a Friend</li> <li>-Likelihood of Returning</li> </ul>

## CHAPTER 4 RESULTS

One hundred and twenty-six clients rated their attorneys' communication competence behaviors and their consequent satisfaction with their legal experience. As this study was exploratory in nature, no predictive hypotheses were created. Descriptive data will be presented first, followed by factor analysis and reliability checks, Canonical and Pearson Correlations, and supplementary analysis.

### Descriptive Data

The one hundred and twenty-six clients who completed the questionnaire are characterized in Table 4-1.

TABLE 4-1  
Subject Demographic Information

CONTINUOUS VARIABLES		
VARIABLE	MEAN	STD. DEV.
Client's Age	40.42	13.45
Months Spent in Legal Involvement	13.45	14.72
Months Since in Contact with Attorney	7.90	8.61



Table 4-1 (Con't)

<b>DISCRETE VARIABLES</b>			
<b>VARIABLE</b>	<b>FREQUENCY</b>	<b>VARIABLE</b>	<b>FREQUENCY</b>
<b>Client Gender</b>		<b>Settled in or out of Court</b>	
Males	60	In	47
Females	58	Out	55
No Answer	8	No Answer	9
<b>Education</b>		<b>Way Case was Settled Out of Court</b>	
Eighth Grade	8	Attorney Negot.	38
Highschool	50	Mediation	5
Bachelors	39	Arbitration	3
Post Graduate	16	Not Settled	23
Some School Beyond HS	10	Settled by Disputing Parties	1
No Answer	3	No Answer	56
<b>Case Types</b>		<b>Attorney Gender</b>	
Family Law	47	Males	101
Personal Actions	35	Females	25
Criminal	17		
Property	8		
Commercial	9		
No Answer	10		
<b>Plaintiff/Defen</b>		<b>Appointed or Selected Attorney</b>	
Plaintiff	63	Appointed	18
Defendant	35	Selected	108
No Answer	12		

As indicated from the table, the participants included almost equal numbers of females and males whose average age is forty years old. A majority of the participants have at least a highschool degree. Most of these clients selected their own attorneys who were mostly male.

The participants were also asked to list their case type. The following breakdown of these cases under five

main categories are listed below in order of their frequency:

1. Family Law -- divorces, child custody, and estate disputes;
2. Personal Action Law -- personal injury, workmen's compensation, discrimination, civil rights, and wrongful discharges;
3. Criminal Law-- criminal, DUI, traffic violations, and fraud;
4. Commercial Law-- bankruptcy and business cases.
5. Property Law -- land access, real estate, and landlord tenant disputes.

Clients involved in these various cases spent approximately thirteen months in legal involvement and were last in contact with their attorney approximately eight months ago.

In addition to descriptions of the clients, it is necessary to present descriptive data from the satisfaction subscales and overall measures (i.e., a sum of all subscales) of molecular and molar communication competency and overall satisfaction. This information is presented in Table 4-2 with means for satisfaction variables ranging from very "dissatisfied" (anchor = 1) to "very satisfied" (anchor = 5) and means for communication competency variables ranging from "inadequate" (anchor = 1) to "excellent" (anchor = 5).

**Table 4-2**  
**Descriptive Data of Satisfaction and Overall Variables**

<b>VARIABLE</b>	<b>MEAN</b>	<b>STD. DEV.</b>
<b>Overall Satisfaction</b>	3.37	1.23
<b>Satisfaction with Outcome</b>	3.37	1.26
<b>Overall Satisf. with Attorney</b>	3.45	1.43
<b>Satis. w/ Attorn. Legal Comp.</b>	3.77	1.19
<b>Satis. w/ Attorn. Comm. Comp.</b>	3.43	1.32
<b>Overall Satis. w/ Legal Exper.</b>	2.84	1.31
<b>Likelihood of Recommending</b>	2.57	1.62
<b>Likelihood of Returning</b>	2.65	1.68
<b>Overall Perception of Molecular Communication Competence</b>	3.51	1.02
<b>Overall Perception of Molar Communication Competence</b>	3.66	1.04

As depicted in this table, the majority of the participants indicated only slightly higher ratings above "neutral" for all the satisfaction variables, except for satisfaction with their current legal experience and likelihood of returning or recommending which were slightly lower than "neutral." The overall perceptions of both molecular and molar communication competence also indicate that a majority of the participants felt their attorneys had "good" communication competence.

Since this study was exploratory in nature, it focused on the following general research question:

What role does the attorney's level of communication competence (i.e., expressiveness, other-orientation, social anxiety, interaction management, participatory style, empathy, and amount of communication), as perceived by the client, have on consequent client satisfaction?

To explore this question, factor analysis and Chronbach Alphas were executed first to test the internal consistency of the competency subscales. Second, two separate Canonical Correlations were computed in testing the general research question: 1) correlations between the seven molecular competency variables and the seven satisfaction variables; and 2) correlations between the five molar competency variables and the seven satisfaction variables. Pearson Correlations were also obtained to ascertain relationships between each variable. Finally, ANOVA comparisons were implemented to calculate any significant differences on overall satisfaction between the demographic information and the sample type (i.e., random or convenience), as well as between the various satisfaction subscales.

#### Factor Analysis and Reliability

In order to test the internal consistency of the communication competency subscales of expressiveness, altercentrism, interaction management, composure, empathy, and participatory style, the data were subjected to factor analysis with oblique rotation. The two factors from each subscale having the highest loadings were selected to represent each subscale for the subsequent Canonical Correlation computations.

Chronbach Alphas were also calculated for each subscale with the following reliabilities (see Table 4-3):

**TABLE 4-3**  
**Chronbach Alphas of Competency Variables**

Subscale	Chronbach Alpha
Altercentrism	.9463
Interaction Management	.9129
Expressiveness	.9396
Composure	.9385
Participatory Style	.9286
Empathy	.9674

#### Canonical and Pearson Correlations

The six molecular competency variables examined above, as well as amount of time spent communicating, were then related to the seven satisfaction variables via Canonical Correlations (see Table 4-4). Seven canonical roots were obtained and using the standard interpretation of the first root, a Canonical Correlation of .45 ( $R_c = .45$ ) was obtained.

Next, the five molar competency variables were also related to the seven satisfaction variables via Canonical Correlations (see Table 4-4). Seven canonical roots were

obtained and using the standard interpretation of the first root, that Canonical Correlation was .47 ( $R_c = .47$ ).

**TABLE 4-4**  
**Canonical Correlation Sets**

<b>SET ONE</b>	
<b>PREDICTOR VARIABLES</b> <b>Molecular</b>	<b>CRITERION VARIABLES</b> <b>Satisfaction</b>
<ul style="list-style-type: none"> <li>-Expressiveness</li> <li>-Altercentrism</li> <li>-Composure</li> <li>-Interaction Management</li> <li>-Participatory Style</li> <li>-Empathy</li> <li>-Amount of Communication</li> </ul>	<ul style="list-style-type: none"> <li>-Case Outcome</li> <li>-Attorney Overall</li> <li>-Attorney's Legal Competence</li> <li>-Attorney's Communication Competence</li> <li>-Likelihood of Recommending to a Friend</li> <li>-Likelihood of Returning</li> </ul>
<b>SET TWO</b>	
<b>PREDICTOR VARIABLES</b> <b>Molar</b>	<b>CRITERION VARIABLES</b> <b>Satisfaction</b>
<ul style="list-style-type: none"> <li>-Overall Expressiveness</li> <li>-Overall Altercentrism</li> <li>-Overall Composure</li> <li>-Overall Interaction Management</li> <li>-Overall Effectiveness and Appropriateness</li> </ul>	<ul style="list-style-type: none"> <li>-Case Outcome</li> <li>-Attorney Overall</li> <li>-Attorney's Legal Competence</li> <li>-Attorney's Communication Competence</li> <li>-Likelihood of Recommending to a Friend</li> <li>-Likelihood of Returning</li> </ul>

Utilizing a Stepdown F-Test on the seven molecular communication competency and seven satisfaction variables, the variables are listed in Table 4-5 in order of their association with the canonical correlate.

**TABLE 4-5**  
**Stepdown F-Tests of Molecular Variables**

VARIABLE	STEPDOWN F	DEGREES OF FREEDOM	SIGNIF- CANCE OF F
<b>Satisfaction with:</b>			
1. Attorney's Legal Competence	4.85	1, 103	.03*
2. Attorney Overall	4.46	1, 104	.037*
3. Outcome	3.96	1, 105	.049*
4. Likelihood of Recommendation	3.84	1, 99	.053
5. Likelihood of Returning	3.42	1, 100	.067
6. Attorney's Communication Competence	2.07	1, 102	.153
7. Legal Process Overall	.63	1, 101	.429
<b>Molecular Competency with:</b>			
1. Expressiveness	64.83	1, 105	.000*
2. Interaction Management	16.24	1, 104	.000*
3. Composure	5.01	1, 103	.027*
4. Amount of Communication	.42	1, 99	.519
5. Empathy	.02	1, 101	.897
6. Participation	.01	1, 100	.938
7. Altercentrism	.00	1, 102	.947

**\*Significant Correlations (P < .05)**

These results indicate that the satisfaction variables of attorney's legal competence, attorney overall, and outcome satisfaction and the molecular variables of expressiveness, interaction management, and composure are significantly correlated with the canonical correlate.

Utilizing a Stepdown F-Test of the five molar communication competency and seven satisfaction variables,

the variables are listed in Table 4-6 in order of their association with the canonical correlate.

**TABLE 4-6**  
**Stepdown F-Tests of Molar Variables**

VARIABLE	STEPDOWN F	DEGREES OF FREEDOM	SIGNIF- CANCE OF F
<b>Satisfaction with:</b>			
1. Attorney Overall	6.83	1, 105	.010*
2. Outcome	5.93	1, 106	.017*
3. Attorney's Legal Competence	4.63	1, 104	.034*
4. Likelihood of Returning	3.11	1, 101	.081
5. Legal Process Overall	2.45	1, 102	.121
6. Likelihood of Recommendation	2.08	1, 100	.152
7. Attorney's Communication Competence	1.27	1, 103	.263
<b>Molar Competency with:</b>			
1. Expressiveness	22.65	1, 104	.000*
2. Interaction Management	22.01	1, 103	.000*
3. Composure	16.39	1, 101	.000*
4. Altercentrism	.60	1, 100	.439
5. Effectiveness and Appropriateness	.01	1, 102	.942

**\*Significant Correlations (P < .05)**

These results indicate that the satisfaction variables of attorney overall, outcome satisfaction, and attorney's legal competence and the molar variables of expressiveness, interaction management, and composure are significantly correlated with the canonical correlate.



Finally, Pearson correlations were obtained to ascertain significant associations between all 22 variables (i.e., molecular variables, molar variables, satisfaction variables, and overall competency and satisfaction). These results are reported in Table 4-7.

TABLE 4-7  
Pearson Correlations

VARIABLES	SATISFACTION VARIABLES							
	OS	O	AO	AL	AC	LP	RBC	RET
OVERALL SATISFACTION (OS)	1.00	.70*	.94*	.89*	.89*	.82*	.93*	.93*
-Outcome (O)	.70*	1.00	.58*	.61*	.47*	.63*	.56*	.55*
-Attorney Overall (AO)	.94*	.58*	1.00	.86*	.86*	.70*	.87*	.85*
-Attorn. Legal Comp. (AL)	.89*	.61*	.86*	1.00	.76*	.64*	.79*	.78*
-Attorn. Comm. Comp. (AC)	.89*	.47*	.86*	.76*	1.00	.71*	.81*	.83*
-Legal Process (LP)	.82*	.63*	.70*	.64*	.71*	1.00	.69*	.68*
-Likeli. of Recomm. (RBC)	.93*	.56*	.87*	.79*	.81*	.69*	1.00	.92*
-Likeli. of Return. (RET)	.93*	.55*	.85*	.78*	.83*	.68*	.92*	1.00
MOLECULAR COMM. COMP. (MC)	.87*	.47*	.85*	.75*	.91*	.70*	.83*	.80*
-Expressiveness (EXP)	.73*	.44*	.68*	.66*	.77*	.58*	.66*	.64*
-Interact. Mgmt. (INT)	.77*	.40*	.74*	.69*	.78*	.62*	.76*	.72*
-Composure (COP)	.66*	.42*	.63*	.62*	.66*	.47*	.64*	.60*
-Altercentrism (ALT)	.80*	.42*	.78*	.70*	.82*	.67*	.76*	.71*
-Empathy (EMP)	.81*	.45*	.79*	.68*	.86*	.65*	.76*	.75*
-Participatory Style (PS)	.81*	.45*	.82*	.67*	.85*	.64*	.76*	.74*
-Amount of Commun. (AMT)	.79*	.37*	.75*	.65*	.86*	.65*	.76*	.75*
MOLAR COMMUN. COMP. (ML)	.89*	.51*	.86*	.78*	.90*	.72*	.83*	.81*
-Overall Int. Mgmt. (ML1)	.83*	.44*	.80*	.72*	.85*	.67*	.80*	.78*
-Overall Express. (ML2)	.75*	.39*	.70*	.69*	.77*	.64*	.70*	.68*
-Overall Altercen. (ML3)	.85*	.46*	.81*	.72*	.88*	.71*	.80*	.76*
-Overall Composure (ML4)	.72*	.48*	.69*	.69*	.69*	.56*	.67*	.64*
-O. Appro./Effect. (ML5)	.86*	.52*	.84*	.76*	.84*	.68*	.81*	.79*

\* Significant (P < .01)

TABLE 4-7 (Con't)  
Pearson Correlations

VARIABLES	MOLECULAR COMPETENCY VARIABLES							
	MC	EXP	INT	COP	ALT	EMP	PS	AMT
OVERALL SATISFACTION (OS)	.87*	.73*	.77*	.66*	.80*	.81*	.81*	.79*
-Outcome (O)	.47*	.44*	.40*	.42*	.42*	.45*	.45*	.37*
-Attorney Overall (AO)	.85*	.68*	.74*	.63*	.78*	.79*	.82*	.75*
-Attorn. Legal Compet. (AL)	.75*	.66*	.69*	.62*	.70*	.68*	.67*	.65*
-Attorn. Commun. Comp. (AC)	.91*	.77*	.78*	.66*	.82*	.86*	.85*	.86*
-Legal Process Overall (LP)	.70*	.58*	.62*	.47*	.67*	.65*	.64*	.65*
-Likeli. of Recommen. (REC)	.83*	.66*	.76*	.64*	.76*	.76*	.76*	.76*
-Likeli. of Returning (RET)	.80*	.63*	.72*	.60*	.71*	.75*	.74*	.75*
MOLECULAR COMM. COMPET.(MC)	1.00	.83*	.89*	.79*	.91*	.93*	.92*	.89*
-Expressiveness (EXP)	.83*	1.00	.74*	.70*	.79*	.73*	.69*	.63*
-Interaction Manage. (INT)	.89*	.74*	1.00	.80*	.82*	.74*	.77*	.73*
-Composure (COP)	.79*	.70*	.80*	1.00	.71*	.63*	.62*	.58*
-Altercentrism (ALT)	.91*	.79*	.82*	.71*	1.00	.80*	.80*	.76*
-Empathy (EMP)	.93*	.73*	.74*	.63*	.80*	1.00	.89*	.87*
-Participatory Style (PS)	.92*	.69*	.77*	.62*	.80*	.89*	1.00	.84*
-Amount of Commun.(AMT)	.89*	.63*	.73*	.88*	.76*	.87*	.84*	1.00
MOLAR COMMON. COMP. (ML)	.94*	.81*	.86*	.77*	.88*	.87*	.85*	.82*
-Overall Inter. Mgmt. (ML1)	.89*	.78*	.81*	.72*	.83*	.82*	.79*	.78*
-Overall Expressive. (ML2)	.81*	.75*	.71*	.57*	.78*	.75*	.71*	.71*
-Overall Altercent. (ML3)	.91*	.74*	.79*	.63*	.84*	.88*	.86*	.83*
-Overall Composure (ML4)	.76*	.70*	.73*	.82*	.73*	.64*	.63*	.63*
-O. Approp./Effect. (ML5)	.88*	.70*	.83*	.76*	.80*	.80*	.80*	.80*

\* Significant (P < .01)

TABLE 4-7 (Con't)  
Pearson Correlations

VARIABLES	MOLAR COMPETENCY VARIABLES						
	ML	ML1	ML2	ML3	ML4	ML5	
OVERALL SATISFACTION (OS)	.89*	.83*	.75*	.85*	.72*	.86*	
-Outcome (O)	.51*	.44*	.39*	.46*	.48*	.52*	
-Attorney Overall (AO)	.86*	.80*	.70*	.81*	.69*	.84*	
-Attorn. Legal Compet. (AL)	.78*	.72*	.69*	.72*	.69*	.76*	
-Attorn. Commun. Comp. (AC)	.90*	.85*	.77*	.88*	.69*	.84*	
-Legal Process Overall (LP)	.72*	.67*	.64*	.71*	.56*	.68*	
-Likeli. of Recommen. (REC)	.83*	.80*	.70*	.80*	.67*	.81*	
-Likeli. of Returning (RET)	.81*	.78*	.68*	.76*	.64*	.79*	
MOLECULAR COMM. COMPET.(MC)	.94*	.89*	.80*	.91*	.76*	.88*	
-Expressiveness (EXP)	.81*	.78*	.75*	.74*	.70*	.70*	
-Interaction Manage. (INT)	.86*	.81*	.71*	.79*	.73*	.83*	
-Composure (COP)	.77*	.72*	.57*	.63*	.82*	.76*	
-Altercentrism (ALT)	.88*	.83*	.78*	.84*	.73*	.80*	
-Empathy (EMP)	.87*	.82*	.75*	.88*	.64*	.80*	
-Participatory Style (PS)	.85*	.79*	.71*	.86*	.63*	.80*	
-Amount of Communic. (AMT)	.82*	.78*	.71*	.83*	.56*	.77*	
MOLAR COMMUN. COMP. (ML)	1.00	.94*	.86*	.93*	.84*	.94*	
-Overall Inter. Mgmt. (ML1)	.94*	1.00	.78*	.86*	.73*	.87*	
-Overall Expressive. (ML2)	.86*	.78*	1.00	.80*	.62*	.72*	
-Overall Altercen. (ML3)	.93*	.86*	.80*	1.00	.68*	.84*	
-Overall Composure (ML4)	.84*	.73*	.62*	.68*	1.00	.81*	
-O. Approp./Effect. (ML5)	.94*	.87*	.72*	.84*	.81*	1.00	

\* Significant (P < .01)

As demonstrated by these tables, all variables are significantly correlated with each other.

### Supplementary Analysis

To ascertain if there were systematic differences between the random sample and convenience sample, as well as between the other demographic items, one way ANOVAs were computed using overall satisfaction as the dependent variable (i.e., the mean of all seven satisfaction subscales computed together). ANOVA comparisons indicate that there were no significant differences between sample type, case type, time spent in legal involvement, time since in contact with attorney, attorney gender, plaintiff or defendant, settled in or out of court, and appointed or selected attorney on overall measures of satisfaction.

To ascertain systematic differences between the satisfaction subscales of outcome satisfaction and attorney overall, and between attorney legal and communication satisfaction, one-way ANOVAs were computed also using overall satisfaction as the dependent variable. There was a significant difference ( $F = 2.85$ ; 1, 124 d.f.;  $P < .05$ ) on overall satisfaction between those cases where satisfaction with attorney communication competence (mean = 3.43) was greater than satisfaction with attorney legal competence (mean = 3.77). There was no significant difference on

overall satisfaction between those cases where satisfaction with attorney overall was greater than satisfaction with outcome.

## CHAPTER 5 DISCUSSION

Within this section, the data presented in the previous chapter will be summarized and synthesized with the information gathered through the literature review. Limitations of the current study will also be examined, as well as implications for future research.

### Review of the Current Findings

#### **Descriptive Data**

From the descriptive data, it was ascertained that the one hundred and twenty-six participants included approximately equal numbers of males and females whose average age was forty. Most of these clients were in cases involving family, personal action, or criminal law and most selected their own attorney.

Of these clients, a majority of the participants in the current study felt only slightly above "neutral" towards their satisfaction with almost all aspects of their legal experience, and felt their attorneys were "good" communicators. This is somewhat different from the reviewed surveys indicating that only 21.4 percent of Texans and 42 percent of North Dakotans (Thomason, 1974) were satisfied with attorneys. While attorneys were also rated as "bad" communicators for the most part in previous surveys (ABA, 1986; Curran, 1977; Thomason, 1974; Wilson, 1981) this

study's findings indicate that clients felt their attorneys were "good" communicators.

### **Factor Analysis and Reliability**

Factor analysis and Chronbach Alphas indicated high internal reliability for each communication competency subscale. This corresponds to previous research using the Spitzberg's Conversational Skills Rating Scale.

### **Canonical and Pearson Correlations**

In regards to the general research question of the relationship between attorney communication competence and client satisfaction, there was considerable evidence to support various claims of legal scholars. In particular, the Canonical Correlations of the molecular and satisfaction variables indicated that the communication competency variables of expressiveness, interaction management, and composure are the most significant indicators of the satisfaction variables of attorney legal competence, attorney overall, and outcome satisfaction. The Canonical Correlations of the molar variables confirmed these results. Similarly, Pearson Correlations demonstrated significant relationships ( $P < .01$ ) between all communication competency variables and all satisfaction variables.

These correlations confirm the findings of previous research in the legal field, as well as in the fields of physician/patient and counselor/client relationships. For instance, Feldman and Wilson (1981) found similar results



when they had students rate simulated attorney-client interviews. They found that attorneys displaying effective interpersonal skills such as expressiveness and composure were predicted to have a greater likelihood of satisfying clients and being recommended in the future. Similarly, research in the medical field (Buller & Buller, 1987; Burgoon et al., 1987; Smith et al., 1981; Street & Buller, 1987; Street & Wiemann, 1987) and the counseling field (Heppner & Heesacker, 1983; Kokotovic & Tracey, 1987; Lee et al., 1985; May et al., 1987) also found that these components had a direct affect on client satisfaction.

By ranking the Pearson Correlations of each competency variable with overall satisfaction, the following was demonstrated (see Table 5-1):

**Table 5-1**  
**Rank Order of Correlations Between**  
**Communication Competency Variables and Overall Satisfaction**

COMPETENCY VARIABLE	PEARSON R
1. Participatory Style	.81*
2. Empathy	.81*
3. Altercentrism	.80*
4. Amount of Communication	.79*
5. Interaction Management	.77*
6. Expressiveness	.73*
7. Composure	.66*
Overall Communication Competency	.87*

\* Significant (P < .01)

These findings correspond to many legal scholars' proposals that clients who feel they play a greater role in the decision-making process (Cochran, 1990), and feel concern and understanding from their attorneys (Smith, 1978a; Zwicker, 1991) demonstrate greater satisfaction. It also supports Smith's (1978a) notion that the quality of communication is just as important as the quantity.

In addition to supporting legal scholars' proposals, these correlations support previous research in the legal and related research fields. For instance, these results confirm findings (Hillary & Johnson; 1989; Rosenthal, 1974) that a participatory approach, with less domineering on the part of the attorney, increases client satisfaction.

Pearson Correlations also support the findings of medical researchers finding that a physician's ability to communicate not only affects clients satisfaction with that communication but also satisfaction with the physician's medical abilities (Buller & Buller, 1987). This was indicated by the significant relationship ( $P < .01$ ) between satisfaction with attorney communication competence and satisfaction with attorney legal competence ( $r = .76$ ). Thus, satisfaction with attorney communication competence directly affects consequent satisfaction with legal competence. Similarly, the contention that satisfaction with physicians directly affects satisfaction with the medical system overall (Curran, 1977) was confirmed. This was indicated by the significant relationship ( $P < .01$ ) between overall satisfaction with the attorney and overall satisfaction ( $r = .94$ ). Thus, satisfaction with attorneys affects overall satisfaction with the entire legal process.

#### **Supplementary Analysis**

The supplementary analysis utilizing ANOVA comparisons indicated that there were no significant differences between sample types, case types, time spent in legal involvement, time since in contact with attorney, attorney gender, plaintiff or defendant, settled in or out of court, and appointed or selected the attorney on overall measures of satisfaction. This indicates that the participants were a

fairly heterogenous grouping with very little variations based on the demographic information.

The ANOVA computed to ascertain systematic differences on overall satisfaction between satisfaction with attorney communication competence and satisfaction with attorney legal competence indicated a significant relationship ( $P < .05$ ). This demonstrates that when clients feel greater satisfaction with attorney communication competence than with attorney legal communication competence, they will feel a greater overall satisfaction. Thus, client overall satisfaction may be based mostly upon attorney communication competence, rather than with their legal competence. This corresponds with previous research findings that "relational skill contributes more to the formation of a client's perception of his or her attorney than does the attorney's level of legal competence" (Feldman & Wilson, 1981, 311).

The ANOVA computed to ascertain systematic differences on overall satisfaction between satisfaction with outcome and satisfaction with the attorney overall indicated no significant differences. This contradicts a previous research finding indicating client dissatisfaction with the legal system relates less to the outcome of their case and more with the process utilized by the professional (Casper et al., 1988; Tyler, 1988; Tyler, 1984). Rather, it suggests that satisfaction with outcome and the attorney

overall are equally important on overall satisfaction with the entire process.

### **Summary**

In summary, the findings of the current study demonstrate that attorney communication competence has a direct affect on client satisfaction. In particular, the participants on average only felt slightly above neutral towards their entire legal experience which included satisfaction with the attorney. It is interesting to note, though, that satisfaction with attorney legal competence was the greatest satisfaction area. This corresponds to the fact that the focus of most attorneys during their daily activities is based on the legal aspects of their attorney/client relationship rather than the communication or process aspects. However, these findings indicate this may be a mistake if attorneys wish to promote greater client satisfaction since perceptions of communication competence have a greater affect than perceptions of legal competence of subsequent overall satisfaction.

### **Limitations of the Current Study**

The above findings must be interpreted with caution for several reasons. First, Stevens (1986) suggests that a subject/variable ratio of about 20/1 is necessary for more accurate interpretations of the Canonical Correlations. Since the subject/variable ratio of this study was 126/13 or 10/1 for the molecular correlations and 126/11 or 12/1 for

the molar correlations, the results must be validated before providing advice for attorneys. In the future, a larger sample size would decrease the magnitude of this problem or component analysis could be implemented on each Canonical set to reduce the total number of variables dramatically. The subsequent reduced sets could then be examined via Canonical Correlations.

A second limitation of this study is the Pearson Correlations showing that everything was significantly related to everything else. These rather remarkable results indicate a possible response set among the participants (i.e., clients rated all the items equally rather than distinguishing subtle difference among them). The clients were asked for their perceptions of specific attorney behaviors, but clients could have recorded their overall impressions of behaviors instead. The clients could have been relying on a preconceived overall perception of the attorney's behaviors, rather than the actual observed behaviors from meetings with the attorney.

This response set corresponds to Spitzberg and Cupach's (1984) conceptualization of communication competence that "competent communication is functional" (p. 112). In other words, perceptions of communication competence are often based on outcomes of interaction (i.e., satisfaction), and thus if clients feel satisfied with their attorney, they

will feel their attorney is communicatively competent on all behavioral items.

The implications of these response sets are two-fold. First, although the relationship between overall communication competence and satisfaction is indisputable, rank orders of the Pearson and Canonical Correlations of the competency subscales are questionable. Because the subscales are so closely associated with everything else, conclusions regarding the specific components of overall competency must be drawn with caution. A second and overall implication of the response set is that the competency measures do not indicate the specific reasons why some clients feel their attorneys are communicatively competent while others do not.

Besides the variable/ratio and response set problems, a further cautionary note is that the results do not strongly support previous evidence demonstrating that a majority of clients are dissatisfied with their legal experience and more importantly, with their attorney. This could be due to the fact that the current study utilized a self-selected sample (i.e., clients had the choice of whether they wanted to respond or not). Consequently, the clients who responded may have been different from the "usual" respondent of legal surveys. From the telephone follow-up of the participants who had not yet returned a questionnaire, it was determined that the majority did not wish to respond because they

wanted to completely forget their experience or felt it was not in their best interests to respond. Thus, dissatisfied clients are less likely to want to complete a questionnaire about their previous legal experience.

#### Implications for Future Research

Based on the problems of the current study discussed above, several changes could be made to improve a quantitative study of attorney communication competence and client satisfaction. First, a larger sample size would decrease the magnitude of the subject/variable problem of the Canonical design, as well as decrease the likelihood of a response set. Second, the Conversational Skill Rating Scale (CSRS) needs to be revised to take into account the response set. This could be done by providing equal numbers of negative and positive statements.

Unfortunately, even if the CSRS is revised to counteract a response set, it still may measure an overall impression of communication competence rather than measure perceptions of individual behaviors leading to an impression of overall competence. Consequently, client perceptions of attorney communication competence may be more suitably measured through qualitative analysis. Qualitative research has the added benefit of decreasing the problem of quantitative research where the experiences of research participants are objectified and no longer part of the participants' experience, but rather a part of the



researcher's. Moreover, while quantitative research attempts to capture a single moment in time, the process orientation of qualitative research allows for those moments to change, expand, and develop. Researchers must first understand the whole picture before they can understand the meanings behind individual parts of the picture. Thus, qualitative research may provide clearer answers to the questions surrounding dissatisfaction with the legal process and attorneys.

## CHAPTER 6 CONCLUSION

The current study supports legal scholars' belief that client dissatisfaction with attorneys is directly affected by attorney communication competence. Unfortunately, it failed to discover the specific components of communication competence leading to this dissatisfaction.

As suggested in the previous chapter, qualitative research may provide clearer answers regarding these components. Such research would be most useful if it could discover whether current advice given to attorneys is valid and useful. Consequently, the purpose of this final chapter is to present a review of that advice which will hopefully lead to several avenues for qualitative research.

### Advice for Attorneys

Creighton Law Review (1985) recently published an extensive bibliography listing the key articles which review general legal interviewing and counseling skills, as well as those specific to certain populations (e.g., counseling the business client). This bibliography, which contains only a scattering of empirical studies, provides an excellent example of the influx of legal advice for attorneys. Within this section, this advice will be organized and reviewed.

Many authors endorse a client-centered or participatory model of attorney/client relations (Bastress, 1985; Cochran, 1990; Schoenfield & Schoenfield, 1977; Solomon & Siegal,

1992). This model stems from the work of Carl Rogers (1961) whose ideas have been extensively applied in the counseling field. The client-centered approach "puts the attorney in the role of an open, accepting helper and leaves both priority-setting and decision-making to the client" (Bastress, 1985, 98). The role of the attorney utilizing the client-centered approach is to guide and support clients as they make their own decisions. Currently, though, Solomon and Siegal (1992) feel the practice of most attorneys involves the expectation of the client "to stand by passively while the lawyer lays out a limited set of legal considerations and selects for the client ... the course of action his professional judgement dictates" (p. 34). This approach obviously fails to empower clients and leaves them in a powerless role. Cochran (1990) believes when clients are not involved in decision-making they will be more dissatisfied.

By taking part in decisions, clients will have more opportunity to ensure lawyers do not neglect cases, as well as enable clients to catch any mistakes attorneys may overlook. Moreover, clients may disclose more relevant information when they feel they have a greater role and their intuitions and feelings provide a balance towards attorneys logical focus on facts (Cochran, 1990).

Attorneys who utilize the client-centered approach adopt skills which demonstrate sincerity, empathy, honesty,

and nonjudgmental behaviors while supplying legal expertise (Bastress, 1985). Scholars employing this perspective encourage attorneys to become active listeners, clarify client choices, and self-disclose in the hopes of creating a non-threatening atmosphere of rapport and mutual trust (Bastress, 1985). If clients and attorneys develop this mutual confidence and respect, information flow is predicted to become more accurate and fulfilling (Schoenfield & Schoenfield, 1977).

Many authors agree that the above approach helps attorneys more effectively deal with client emotions (Clawar, 1988; Schoenfield & Schoenfield, 1977). They point out that clients come to attorneys for help, and thus they often feel powerless and vulnerable. In dealing with these emotions, attorneys are advised to "watch for indicators of psychological interference" (Schoenfield & Schoenfield, 1977, 314). When signs of psychological interference exist (e.g., clients' negative statements or stiff body language), attorneys are encouraged to minimize inhibitors (e.g., decrease leading questions or avoiding confrontations until rapport exists), and maximize facilitators (e.g., recognize clients as important individuals and allow time for catharsis). Furthermore, "reducing the client's anxiety can increase the accuracy and relevancy of the client's communication to the lawyer and can prevent hostility toward the lawyer" (Smith, 1978b, 247). Clarifying client concerns

also enables attorneys to discover clients' hidden agendas -  
- the clients' "real" needs and concerns (Clawar, 1988).

Bendelow (1987) believes that perceptions of attorney credibility also leads to greater client satisfaction. This credibility is demonstrated by appearances of competence, dynamism, likability, and trustworthiness. As a public relations consultant, Hensley (1984) believes society's dissatisfaction with the legal profession's credibility is due to public misunderstanding about attorneys' incomes, an overabundance of attorneys, clients' own vulnerability, one lawyer must always lose, and stereotypical negative image myths. To counteract these problems, Hensley suggests that attorneys clarify their roles (e.g., specify fees), become specialists rather than generalists to counteract competition in the field, don't use legalese, and explore with clients options outside of litigation (e.g., mediation). Furthermore, a need for direct efforts on the part of the Bar to educate the public is also suggested.

Related to Hensley's analysis is that of many authors who advocate clarifying in the attorney/client relationship (Clawar, 1988; Harkness, 1985; Huckaby, 1983; Mallen, 1979; Marcel & Wiseman, 19 ; O'Neill & Sparkman, 1990; Smith, 1978a; Smith, 1978b; Smith & Nester, 1977; Zwicker, 1991). Attorneys need to be clear about their roles, limitations (e.g., legal and time limitations), fees, legal terminology, goals, progress of the case, and instructions to clear up

any high expectations, misperceptions, and misunderstanding which the client may have. Scholars also suggest attorneys keep clear records and continuous contact with clients. For instance, Zwicker (1991) developed a checklist for attorneys to follow to keep clients satisfied which includes promptly returning all phone calls, exceeding client expectations, developing a case plan for each client and giving them a copy, and showering the client with paper.

In particular, these authors believe attorneys need to be clear by truly understanding what their clients really want and responding to those wants. As Craver (1983) states, "When clients initially indicate a desire for retributive litigation, their attorneys should endeavor to ascertain the true underlying problems" (p. 254). To do this, attorneys require sensitivity which involves "simultaneously perceiving the communicative context, hearing the messages the client generates, and appreciating the relative role and goal expectations of the lawyer and the client" (Smith, 1978b, 153). This involves the ability of the attorney to convey concern and understanding to the client (Clawar, 1988; Smith, 1978a; Smith, 1978b). Conveying concern can best be done by exploring with clients their problems before offering solutions and using immediate body language (e.g., leaning forward with an open posture), open-ended questions, and furthering responses (Smith, 1978b). As O'neill and Sparkman (1990) contend, attorneys

must understand and meet client expectations before clients will feel satisfied.

Willett (1985) suggests that the key may be simple interview skills. Since the client-lawyer interview is so critical to the legal process, it is the cornerstone for success that attorneys have the ability "(1) to decipher meanings through kinesics or nonverbal behavior and (2) to successfully share or express intended meanings nonverbally" (Willett, 1985, 250).

Many authors also promote the use of clear office procedures and a business-like atmosphere for boosting client satisfaction (Clawar, 1988; Smith, 1978a; Smith, 1978b; Solomon & Siegel, 1992). For instance, Solomon & Siegel (1992) believe clear contractual arrangements and promises, as well as specifications regarding the attorney's fees and schedule, will aid in this satisfaction. They also suggest the use of the telephone to convey to clients the progress of their case, both positive and negative. Furthermore, these scholars suggest that office design and training of office staff can have a positive effect on client satisfaction (Smith, 1978a).

Finally, several authors promote the use of questionnaires to let clients know attorneys are interested in their opinion and to help clarify any problems or potential problems of the firm's delivery system (Harkness, 1985; Levin, 1983).

Clawar (1988) proposes the use of behavior management to implement the above advice by stating that effective attorneys initiate the following behaviors:

1. Keep the communication channels open by setting the right tone (e.g., present the relationship as a team effort and make the client feel welcome);
2. Ask for feedback to check for their understanding of your communication;
3. Minimize interruptions;
4. Use everyday language;
5. Help clients clarify their thinking by focusing their thoughts and emotions;
6. Vary the mood as needed (e.g., use of humor versus seriousness);
7. Encourage an active client;
8. Acknowledge client fears;
9. Provide appropriate closure (e.g., review, set up next contacts, allow time for client questions); and
10. Invite feedback from clients.

#### **Summary of Advice**

From the above review, legal scholars suggest lawyers who wish to increase client satisfaction must: 1) allow shared control of decision-making; 2) promote a supportive and nonjudgmental atmosphere where trust and rapport exist; 3) deal more effectively with client emotions, underlying needs, and expectations; 4) communicate concern, empathy, and understanding; and 5) provide greater clarity through less legalese, office procedures, and keeping clients informed. The current findings validate the first, second, and fourth areas of advice, but did not address the third and fifth areas.

By following the above advice, Very (1977) contends that:



". . . a client will not react negatively to an attorney who displays concern, interest, involvement in the client's problems, maintains contact with his client, advises his client on the progress of his case or his claim, builds his client's confidence, his self-esteem, his self-activity, and satisfies his need for self-respect, comfort, security, and friendship" (p. 523).

This may appear a tall order for attorneys to meet, but its one authors feel attorneys not only can, but must, meet before their clients will feel satisfied.

### Conclusion

The advice presented above and the findings from this study provide a beginning for the initiation of future research into the attorney/client relationship. It is important to remember, though, that it is still only a beginning step towards continued research in this area, and thus, the results must be utilized with caution.

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## **APPENDICES**

**APPENDIX A**  
**Interview Schedule**

**Demographic Information**

**ABOUT CLIENT:**

Age:

Sex:

Educational Level:

Type of Case:

Time in Legal Involvement:

**ABOUT ATTORNEY:**

Approximate Age:

Sex:

Approximate Number of Years Practicing:

Primary Areas of Practice:

**Research Questions**

1. In general, describe your feelings towards the legal process/system before you began your most recent experience.
2. In general, describe your feelings towards the attorneys before you began your most recent experience.
3. What is your idea of an ideal attorney?
4. When and why did you decide to obtain legal assistance?
5. What expectations, if any, did you have concerning the legal process or your attorney?
6. What were your goals when seeking your attorney's assistance?
7. What did you want or need from the legal process?
8. What did you want or need from your attorney?
9. What did you get out of the legal process?
10. What did you get from your attorney?
11. Describe your attorney's ability to communicate with you the client either verbally or nonverbally.
12. What did you like most about your experience?
13. What did you like least about your experience?
14. What did you give, if anything, during the process?
15. Describe the outcome of your case and your feelings towards it.

**APPENDIX B**  
**QUESTIONNAIRE PACKET**

**APPENDIX B  
Cover Letter**

**[DEPARTMENTAL LETTERHEAD]**

**Krisann L. Hill  
University of Montana  
Home Phone: 406-251-5830  
Work Phone: 406-243-6604**

February 5, 1992

I am contacting you to ask for your assistance. You have been carefully selected as part of a small sample of clients of attorneys who I am asking to complete a questionnaire evaluating their attorney's communication behaviors. It should only require 10-20 minutes of your time. Without your help, my study cannot be completed successfully. Therefore, it is crucial for me that you return the questionnaire as soon as possible.

I am a graduate student in communication studies who became interested in attorney communication after numerous discussions with family, friends, and acquaintances who had recent experiences with attorneys. From these discussions, I discovered that many clients have very strong feelings regarding their attorney. Unfortunately, very little research has been done to accurately portray clients' perspectives on their feelings and views towards their attorneys. Consequently, I am attempting with this questionnaire to provide information to the legal community on how clients really view attorneys. Since this research will be one of the first to investigate your perspective, it is essential that each and every one of you complete the questionnaire. The greater number who respond to this plea, the greater likelihood that your views will be heard by the legal community.

If you choose to participate, all information you provide will be kept strictly confidential. In fact, I do not require your names or any private information about you or your case which you may not wish to share. All that I ask is for you to complete the questionnaire as soon as possible.

Please return the questionnaire by sending it in the enclosed self-addressed, stamped envelop OR return it to the person who gave it to you.

Once again, your participation is essential to the success of the project and I am extremely grateful to you for helping me with my research. If you have any questions, please do not hesitate to call me at either of the above numbers.

Sincerely,

Krisann L. Hill

P.S. If you have already completed this questionnaire and returned it, please throw away this copy of the questionnaire. Thank you.

**APPENDIX B  
QUESTIONNAIRE**

CODE# \_\_\_\_\_

**QUESTIONNAIRE**

Read through the entire questionnaire before beginning. It is important that you complete the following questions about your most recent attorney/client relationship as honestly as possible. Your responses will remain confidential. When you are finished, please return the questionnaire in the self-addressed, stamped envelope provided or to the person who gave it to you. Thank you!

Questions About You

Age: \_\_\_\_\_ Sex (Circle): F M

Education (Check One):  
 \_\_\_\_\_ Completed the Eighth Grade  
 \_\_\_\_\_ High School Degree  
 \_\_\_\_\_ Bachelor Degree  
 \_\_\_\_\_ Post Graduate Degree  
 \_\_\_\_\_ Other: \_\_\_\_\_

Type of Case (Check One):  
 \_\_\_\_\_ Divorce  
 \_\_\_\_\_ Child Custody or Support  
 \_\_\_\_\_ Personal Injury  
 \_\_\_\_\_ Criminal  
 \_\_\_\_\_ Other: \_\_\_\_\_

Were you the plaintiff or the defendant (Check One)?  
 \_\_\_\_\_ Plaintiff  
 \_\_\_\_\_ Defendant  
 \_\_\_\_\_ Other: \_\_\_\_\_

Approximately how many months did you spend in legal involvement? \_\_\_\_\_

How many months has it been since you were last in contact with your attorney? \_\_\_\_\_

Was your case settled out of court (Circle)? Yes No

If you said "Yes" and your case was settled out of court, how was your case settled (Check One)?

\_\_\_\_\_ Through Attorney Negotiations  
 \_\_\_\_\_ Through Mediation  
 \_\_\_\_\_ Through Arbitration  
 \_\_\_\_\_ It was never settled  
 \_\_\_\_\_ Other: \_\_\_\_\_

Your attorney's sex (Circle): Female Male

How did you select your attorney (Check):  
 \_\_\_\_\_ Appointed to me  
 \_\_\_\_\_ I selected the attorney  
 \_\_\_\_\_ Other: \_\_\_\_\_

**APPENDIX B  
QUESTIONNAIRE  
(Con't)**

**Perceptions of Attorney's Communication Competence'**

Rate the conversations with your attorney according to how skillfully he or she used, or didn't use, the following communicative behaviors, from:

- 1 - **INADEQUATE** (use was awkward, disruptive, or resulted in a negative impression of communicative skills)
- 2 - **SOMEWHAT INADEQUATE**
- 3 - **ADEQUATE** (use was sufficient but neither very noticeable nor excellent. Produced neither positive nor negative impression)
- 4 - **GOOD**
- 5 - **EXCELLENT** (use was smooth, controlled, and resulted in positive impression of communicative skills)

Circle the single best response for each behavior:

		INADEQUATE	SOMEWHAT INADEQUATE	ADEQUATE	GOOD	EXCELLENT
1.	Use of eye contact	1	2	3	4	5
2.	Initiating new topics	1	2	3	4	5
3.	Staying on the topic and following-up comments	1	2	3	4	5
4.	Use of time speaking relative to you	1	2	3	4	5
5.	Speaking rate (neither too slow nor too fast)	1	2	3	4	5
6.	Speaking fluency (avoided pauses, silences, "uh", etc.)	1	2	3	4	5
7.	Vocal confidence (neither tense nor nervous sounding)	1	2	3	4	5
8.	Calmness (avoided fidgeting and no noticeable nervousness)	1	2	3	4	5

**APPENDIX B  
QUESTIONNAIRE  
(Con't)**

	INADEQUATE	SOMEWHAT INADEQUATE	ADEQUATE	GOOD	EXCELLENT
9. Posture (neither too closed/formal nor too open/informal)	1	2	3	4	5
10. Articulation (language clearly pronounced and understood)	1	2	3	4	5
11. Asking of questions	1	2	3	4	5
12. Nodding of head in response to your statements	1	2	3	4	5
13. Leaning towards you (neither too far forward nor too far back)	1	2	3	4	5
14. Speaking about you (involved you in the conversations as a topic of conversation)	1	2	3	4	5
15. Speaking about self (didn't talk too much about self or own interests)	1	2	3	4	5
16. Encouragements or agreements (encouraged you to talk)	1	2	3	4	5
17. Use of humor and/or stories	1	2	3	4	5
18. Vocal variety (avoided monotone voice)	1	2	3	4	5
19. Vocal volume (neither too loud nor too soft)	1	2	3	4	5
20. Expression of personal opinions (neither too passive nor aggressive)	1	2	3	4	5



**APPENDIX B  
QUESTIONNAIRE  
(Con't)**

	INADEQUATE	SOMEWHAT INADEQUATE	ADEQUATE	GOOD	EXCELLENT
21. Facial expressiveness (neither blank nor exaggerated)	1	2	3	4	5
22. Use of gestures to emphasize what was being said	1	2	3	4	5
23. Smiling and/or laughing	1	2	3	4	5
24. Encouraged my participation	1	2	3	4	5
25. Shared the decision-making process	1	2	3	4	5
26. Appeared trustworthy	1	2	3	4	5
27. Appeared to actively listen to me	1	2	3	4	5
28. Clarified my concerns and needs	1	2	3	4	5
29. Appeared supportive	1	2	3	4	5
30. Seemed to be understanding	1	2	3	4	5
31. Amount of communication	1	2	3	4	5

**For the next five items, rate the person's overall conversational performance using the same rating scale:**

1. UNSKILLFUL MANAGEMENT	1	2	3	4	5	SKILLFUL MANAGEMENT
2. INEXPRESSIVE	1	2	3	4	5	EXPRESSIVE
3. INATTENTIVE/ UNRESPONSIVE	1	2	3	4	5	ATTENTIVE/ RESPONSIVE
4. ANXIOUS/ NERVOUS	1	2	3	4	5	RELAXED/ CONFIDENT
5. INAPPROPRIATE/ INEFFECTIVE	1	2	3	4	5	APPROPRIATE/ EFFECTIVE

**APPENDIX B  
QUESTIONNAIRE  
(Con't)**

**Satisfaction Ranking**

Please rate the degree of satisfaction you feel for each of the following:

	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
Case Outcome	1	2	3	4	5
Attorney (Overall)	1	2	3	4	5
-legal abilities	1	2	3	4	5
-interpersonal/ communication abilities	1	2	3	4	5
Your overall satisfaction with your experience in the legal system	1	2	3	4	5

How likely would you recommend your attorney to a friend in the future?  
(circle one)

Very Likely	Somewhat Likely	Neutral/ Undecided	Somewhat Unlikely	Very Unlikely
1	2	3	4	5

How likely would you bring future legal work to the same attorney?  
(circle one)

Very Likely	Somewhat Likely	Neutral/ Undecided	Somewhat Unlikely	Very Unlikely
1	2	3	4	5

**THANK YOU!!**

**APPENDIX C  
IRB PROPOSAL**

For Internal Use Only

Form RA-108

**UNIVERSITY OF MONTANA  
INSTITUTIONAL REVIEW BOARD CHECKLIST**

Submit one copy of this checklist and your proposal for each project that requires IRB review. The IRB attempts to evaluate proposals within ten working days. Approval is granted for one year's time, at the end of which period the principal investigator may reapply to the IRB for continued approval (see IRB procedures summary for details).

<b>Date Submitted to IRB</b> January 14, 1993	<b>Projected Start Date</b> January 24, 1993	<b>Project Ending Date</b> April 15, 1993
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**Project Title** Client Satisfaction with Attorney Communication Competence

**Principal Investigator** Krisann Lynn Hill **Telephone** 243-6604

**Mailing Address** LA 346 University of Montana

**Co-Investigator(s)** \_\_\_\_\_

**Signature(s)** Krisann L. Hill

**Faculty Supervisor** William Wilmot **Telephone** 243-4551

**Department** Comm. Studies **Signature** William W. Wilmot

(My signature indicates that I will supervise the project and that I have read the proposal and agree that it accurately and adequately represents the planned research.)

Please answer the following questions:

(Circle one)

1. Does the attached proposal respond to the 10 items on pages 3-4 of the procedures summary?  Y    N
2. Is a consent form being used?  Y    N
  - a) If yes, does the attached proposal respond to the eight items on page 4 of the procedures summary?  Y    N
  - b) If no, do you request that the form be waived? NA    Y    N
3. If the project involves minors, are the children old enough that their signatures will be requested? NA    Y    N
4. Will the subject receive an explanation of the research before and/or after the project? (If yes, attach a copy) - consent form  Y    N
5. Is this project part of your thesis or dissertation?  Y    N  
If yes, please indicate the date you successfully presented your proposal/prospectus to your committee: January, 1993

**FOR OFFICE USE ONLY:** Project # \_\_\_\_\_

Administrative/Full Committee.....Date \_\_\_\_\_

Approval/Conditional Approval

Conditions Satisfied.....Date \_\_\_\_\_

**APPENDIX C**  
**IRB PROPOSAL (Con't)**

1. The goal of this research is to explore the reasons the public is dissatisfied with attorneys. In particular, it will focus on clients' perceptions of their attorneys' ability to communicate (i.e., communication competence) and their levels of satisfaction with the attorney, the case outcome, and their overall legal experience.
  - A. The review of the literature demonstrates that although much has been done with the related professions of physicians, mediators, and counselors, very little empirical research exists examining the attorney/client relationship. As attorney malpractice rates steadily rise and the public becomes even more vocal concerning their dissatisfaction with the legal process, it is readily apparent that the attorney/client relationship must be examined to determine possible causes of this unrest. Several legal and social science scholars propose that the primary cause of this dissatisfaction is attorney communication incompetence. Therefore, this study will explore the consequences of clients' perceptions of their attorneys' ability to communicate.
  - B. Participants will be asked to complete the attached questionnaire.
  - C. Participants will be randomly chosen from a county listing of all court cases filed in the last year. These chosen participants will be contacted by phone to ascertain their willingness to participate. Participation will be entirely voluntary, and participants can decline to take part in the survey. Anonymity and confidentiality will be guaranteed.
  - D. Participants will fill out the questionnaire on their own time in their home.
2. This research will answer preliminary questions regarding the reasons for dissatisfaction with attorneys. In particular, it will hopefully demonstrate what needs to be changed to promote client satisfaction. Moreover, it will inspire future research in the study of the attorney/client relationship. Although the participants will receive no direct benefits from this research (except to vent), it is hoped that this study will demonstrate the need for communication training for attorneys. With this training, future clients of

attorneys will have a greater likelihood of building more effective relationships with their attorneys.

3. The participants in this study will be asked to complete a short questionnaire which will only take 15-30 minutes of their time.

**APPENDIX C  
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They will be asked to return the questionnaire in a self-addressed, stamped envelope.

4. Participants will include 100-150 female and male adults who have filed suit with Missoula county in the last twelve months. There will be no restrictions on case type so that the effects across different types of cases can be examined.
5. No risk to the participants is anticipated.
6. Participation in the study will be voluntary, and participants can discontinue participation in the study at any time.
7. Anonymity and confidentiality will be maintained by having no names on the returned questionnaires.
8. Although physical, psychological, or social risks or discomfort are not expected, the attached informed consent form will be signed by every participant.
9. The consent form is included to provide information to the participants.
10. No other ethical responsibilities are anticipated.

**APPENDIX D**  
**Format for Telephone Follow-up Interviews**

**CODE #** \_\_\_\_\_

**PHONE #** \_\_\_\_\_

**Yes, could I speak to** \_\_\_\_\_

**Hello, I am Krisann Hill from the University of Montana and I recently sent you a questionnaire concerning your attorney.**

**Did you receive this questionnaire?      Yes      No**

**No -- Could I send you one?      Yes      No**

**Yes -- Address:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**No -- Thank you for your time.**

**Yes -- Did you complete and return it?      Yes      No**

**Yes -- Did you have any questions?  
 Thank you for your time?**

**No -- What were your reasons for not  
 returning it?**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Could I send you another?      Yes      No**

**No -- Thank you for your time.**

**Yes -- Address:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This study would not have been possible without you. Thank you.**