

In the Hot Seat: How Understanding Client Stress Can Help You Grow Your Business

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Most lawyers want their businesses to grow. In a recent study of Avvo attorneys, nine out of ten in consumer-facing solo or small practices said they aspire to expand their practices; one in three hope that this growth will be significant.¹ To reach their goals, lawyers engage in marketing and advertising. Even among the small proportion of lawyers who don't wish to grow at all, ongoing marketing efforts are necessary to keep the lights on, largely because most lawyers can't rely on repeat customers the way other businesses can.

Lawyers do many things to grow their businesses. In the past year, 52% of Avvo lawyers have attended a networking event, 34% have presented at an event or conference, and 25% have sponsored an event. Two out of three (66%) have used LinkedIn to draw in business; 58% have used Facebook and 26% Twitter. About one in three believe that brand-building (36%) and marketing and/or advertising strategy (33%) are extremely important in running a practice. One in four Avvo lawyers run a blog.²

Despite these very important marketing and advertising activities, most lawyers agree that building a strong practice depends primarily on having great people skills. Three out of four Avvo lawyers in our survey (77%) said that ensuring

client satisfaction is extremely important in growing a practice; also extremely important is building strong personal relationships (73% think this) and developing excellent customer service skills (72% believe this).³

This isn't surprising. Most businesses outside of the legal category place customer experience as top priority. However, impressing legal consumers is uniquely challenging. People hire lawyers when things *could* go wrong (such as protecting your business against liability), are *about* to go wrong (facing a divorce), or have *already* gone wrong (being arrested for a crime). This means legal consumers form an opinion about most lawyers while they are under stress. Therefore, attracting legal consumers through marketing, and building positive relationships with clients, depends on understanding how to resonate with and successfully serve people under stress.

This white paper is about stress and decision-making among legal consumers. First, the paper will discuss what stress is, specifically in the context of legal consumer experiences. Next, it will address how stress influences decision-making. Finally, the paper will offer guidance on how to create positive first impressions and build strong relationships with clients under stress.



What is stress, and how many legal consumers feel it?

People dealing with legal issues face a number of important decisions. Two of their decisions pertain directly to the growth of your practice: whether they should hire you; and whether they should refer you. These decisions are made while legal consumers are under varying degrees of stress. Over the entire course of their legal issue, nine out of ten legal consumers surveyed by Avvo reported experiencing “a lot” of stress. One in 10 said they experienced “a little” or a “moderate amount of stress.” None reported zero stress during the course of their issue.

It is not surprising that legal consumers are stressed. Stress is pervasive in our society, a popular topic of conversation and analysis. Research indicates that about 80% of Americans experience at least moderate stress every day.⁴ The research on stress is extensive. For example, since 2007, the American Psychological Association has conducted an annual nation-wide survey specifically designed to understand the impact of stress on American lives.⁵ Its most recent findings indicate that the current political climate is causing significant stress for over half (57%) of Americans.⁶ Also

relevant are findings around stress and social media use, which suggest that the 86% of Americans who constantly or often check email, texts, or social media accounts experience higher levels of stress than those who do not.⁷ Studies from earlier years have found that Americans cite money and work as the top two triggers of stress. These studies also found that stress among parents can have a significant negative impact on their children⁸ and that Millennials report experiencing more stress than older generations.⁹

Most lawyers would admit to seeing stress in their clients, and for good reason. A little over half (55%) of legal consumers believe their legal issue is complex, and 62% are afraid of making a mistake as they resolve their issue. Ninety-two percent of consumers report experiencing some frustration during their legal issue,¹⁰ and 69% feel they have a lot to lose.¹¹ Many legal consumers (41%) will actually spend more on legal help if it means they’ll experience less stress.¹² It is also worth noting that most legal issues stem from life experiences that have been identified as among the most stressful (see image on next page).¹³

Top stressful life events <i>(from most to least)</i>	Related legal issues
1. Death of a spouse	Estate planning, real estate, family planning
2. Marital separation or divorce	Divorce, family planning, child custody
3. Detention in jail	Criminal defense
4. Major personal injury/illness	Personal injury, medical malpractice
5. Marriage	Prenuptial agreements, estate planning, real estate
6. Being fired	Employment

Clients who seek out a lawyer for an initial consult may be more stressed than at any other time during their legal issue. This is because, at that moment, they are feeling “stuck.” Feeling stuck is the primary reason for hiring a lawyer, and about nine in ten legal consumers (87%) say they feel stuck to some degree during the course of their issue. Almost all who felt stuck “a lot” during their issue (98%) also reported experiencing stress.¹⁴

In fact, the concept of “feeling stuck” is similar to the concept of stress. Researchers studying emergency management offer a definition of stress that is particularly relevant to legal consumers. For these researchers, stress occurs when an individual realizes that the demands of a task exceed the resources needed to complete that task.¹⁵ This gap between what is needed and what is available generates a specific *stress response* or “undesirable physiological, emotional, cognitive, and social changes”¹⁶ that may include feelings of pressure, tension, and anxiety.¹⁷ When most people talk about feeling “stressed out” in daily life, they aren’t really referring to *stress* but rather the *stress response*.

Legal consumers talk about “feeling stuck” in the same way. They describe seeking out answers to their legal problems everywhere they can – on government websites, on sites like Avvo, in forums like Reddit or Quora, from friends and family – only to keep hitting a wall. They get to a point where they realize that the specific facts of their situation are unique to them, and that no source online will be directly relevant. Or, they simply can’t decipher the information they’re reading.

In the words of one legal consumer, “I didn’t understand the stuff I was getting online. It was time to get someone who would understand.” By “someone” they meant a lawyer.

At this point, the costs of hiring can become a concern: 89% of legal consumers say that over the course of their issue, they worry about the cost of resolving it. What legal consumers are generally experiencing when they first call you is the realization that they don’t have the information, skills, experience, or funds to accomplish what they need to accomplish. In other words, there is a sizeable gap between what they need to resolve their case and what they have available. This fits the definition of stress.

Once stress is triggered, the body essentially senses a threat and the nervous system springs into action to protect against that threat. Adrenaline is pumped into the bloodstream, increasing heart rate and blood pressure. Blood vessels in the heart constrict. The digestive system slows down, which can create the sensation of having butterflies in your stomach.¹⁸ This stress response can manifest as headaches, muscle and chest pain, fatigue, upset stomach, and sleep problems. Stress can affect one’s mood by generating anxiety, restlessness, or lack of focus. It can make one feel overwhelmed, as well as irritable or angry, and even sad or depressed. Behavior can also change: those who experience prolonged or repeated stress might have dramatic changes in eating habits (over- or under-eating), angry outbursts, increased drug or alcohol use, or social withdrawal.¹⁹

How does stress impact decision-making?

While stress can elicit undesirable physical and behavioral responses, it can also severely impact one's ability to make sound decisions. And when it comes to resolving one's legal issues, sound decision-making is of paramount importance. Clients often hold their lawyers responsible for the undesirable outcomes of their own poor decisions, usually made under stress. This then impacts their overall experience with their lawyer and their desire to offer a referral. Therefore, understanding the impact of stress on how legal consumers make decisions – including their decision to hire you – is your best bet in devising effective ways to market to them as well as create positive experiences to earn their business and their referrals.

Here are ways in which stress influences decision-making:

People under stress approach risk differently.

Research has shown that, under normal conditions, people making financial decisions are more risk-averse when faced with choosing between two positive outcomes and more likely to take risks if they're faced with choosing between two negative outcomes.²⁰ But under stress, people become more likely to behave in this way: they are even *more* conservative when choosing between two options with positive outcomes and *more risky* when choosing between two bad ones. Though this research was done on financial decision-makers, it's likely that stress would have a similar impact on legal consumers. If you are presenting your client with two options that both look bad, you might expect that client to abandon thoughtful decision-making and opt for rolling the die. Research has also shown that men and women may approach risk differently when under stress. Men are more likely to engage in high-risk behavior, while women under stress generally become more risk-averse.²¹

People under stress are more likely to revert to habit.

When under stress, people essentially slip into autopilot, engaging in low-level thought processes and habitual behavior rather than deliberative decision-making.²² Experts who explore decision-making by corporate executives recognize that, to make good choices, people need to rely on higher-level reasoning processes. But stress can force people to lose their reasoning abilities. It makes concentration difficult, and makes the objective evaluation of pros and cons – risks and rewards – very hard. So what do stressed-out people – including corporate executives and legal consumers – do? They make short-sighted and biased

judgments that lean heavily on automatic response,²³ or they default to the choice they made the last time they were in a similar situation.²⁴ This explains why you'll see some corporate executives repeatedly offering the same solution to new problems. It explains why many people with legal issues keep making the same choices over and over again, even when their choices are against their best interests. It could be why your client chooses to ignore your rational advice and instead choose a less optimal path that looks a lot like what they've done before.

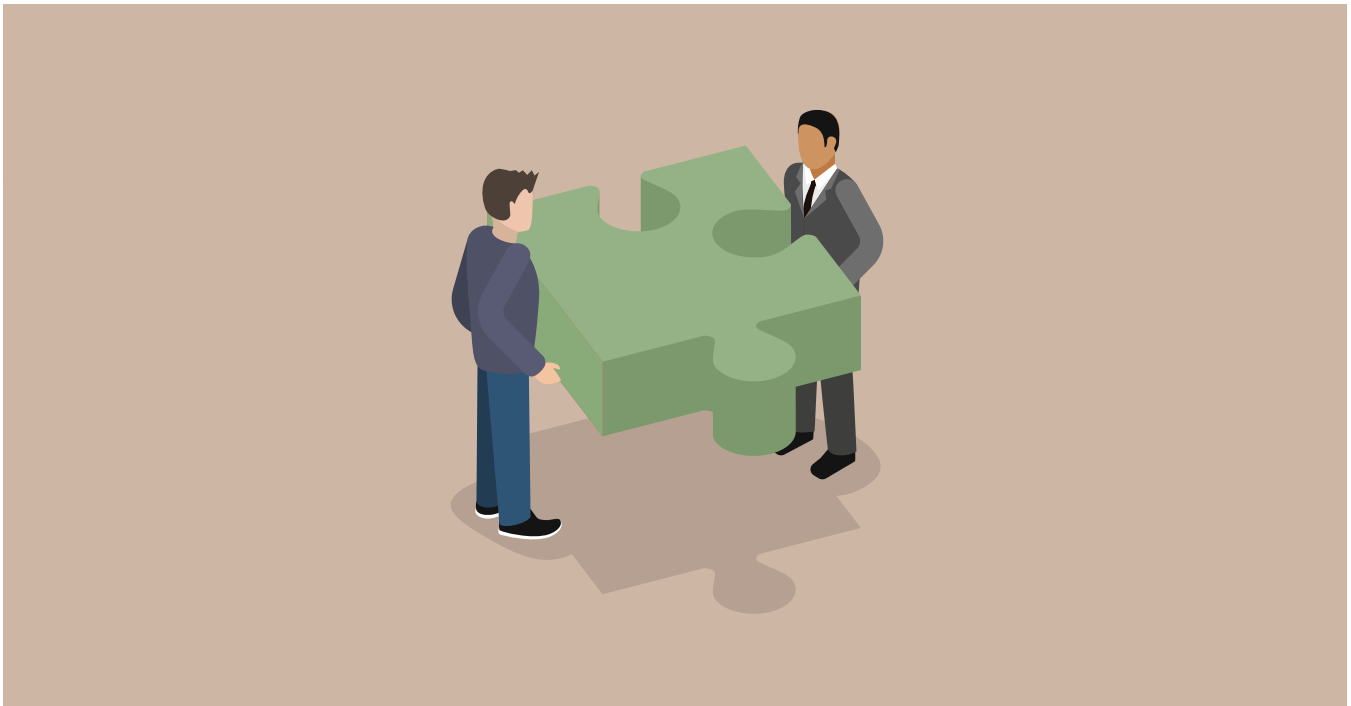
People under stress are more likely to absorb positive information and forget negative information.

One might expect that because stress is a negative experience, people will focus on negative thoughts or information while stressed out. In reality, the opposite is true. When forced to make a decision that presents a number of alternatives, people under stress are likely to hone in on the upsides of each alternative while discounting the downsides.²⁵ For example, imagine a criminal defendant who is deciding whether or not to accept a deal offer. Under stress, this person might focus more on the positive outcomes of accepting the deal (closure of their case, a shorter sentence than previously expected, and avoidance of a lengthy trial), while focusing less on the negative aspects (a definite prison sentence and a criminal record).

People under stress are more likely to remember their wins and forget their losses.

Research has shown that individuals under stress experience enhanced learning of positive outcomes and diminished learning of negative outcomes. Both men and women react to stress this way, and research on older adults indicates the same results.²⁶ This means that as legal consumers under stress engage with their legal issues, they're likely to focus more on choices they've made that were favorable to them, while overlooking outcomes that were not as favorable. So rather than learn from their mistakes, clients under stress are irrationally biased to learn only, or mostly, from their previous successes.²⁷ For example, a divorce client who has won a previous fight over who gets the car, but has lost a nasty fight over who gets the furniture, will likely rely more on the memory of their win in deciding whether to push for more than half of the house.

What can lawyers do to ensure that their stressed-out clients have positive experiences? And how can lawyers win the business of legal consumers who come to them while “stuck” and stressed out?



How offering what's missing can alleviate stress.

It is hard to find a lawyer who says they've never encountered a stressed-out client. But most law schools don't teach you how to work with people under stress, and no bar exam tests on the subject. The legal field as a whole has little to offer in the way of advice here, which is why lawyers need to turn to behavioral scientists – including psychologists and behavioral economists – to understand how to deal with client stress.

Don't tell legal consumers to "chill out."

You won't win many points by telling legal consumers to not stress. This applies to your marketing materials as well: any messaging or advertising that tells legal consumers to "relax" or "not worry" may not resonate. Telling a client who is in your office to "not stress out" will probably also not work. This is largely because immediate relaxation isn't even physiologically possible: researchers have found that stressed individuals need about 20 to 60 minutes to return to a relaxed state, and that's if nothing else is adding to their stress in the meantime.²⁸ If stress is suppressed, the outcome could become worse: emotional suppression of stress elicits a stronger stress response, and can even

evoke anger. Research on employer-employee relationships has shown that bosses who advise their reports to "settle down" or "chill out" end up creating rifts between themselves and the people who work for them. Lawyers who tell their stressed-out clients to "just relax" will no doubt elicit the same type of reaction. Even if your agitated client seems to take your advice and calm down in your office, chances are they'll be more upset by the time they get home. This means you could lose your client and a valuable referral.

Don't be ok with the fact that they're stressed.

Another option is to accept that your clients are experiencing stress, and simply let them. After all, stress is an inevitable part of having the types of life problems that require legal solutions, so why not give your stressed-out clients a break and shift your focus to doing the best job you can for them? This won't work given that stress impacts decision-making in some less-than-ideal ways, including decisions around whether to hire or refer you, not to mention choices related specifically to the resolution of their legal issue. So while telling a client to "just relax" might bring out their ire, saying nothing will leave them in a psychological state that could impact the outcome of their case and their experience with you. It also means they could decide not to hire you in the first place for reasons that aren't exactly in their best interests.

Let them know that you're the solution to the gap between needed and available resources.

A promising approach is to communicate to them that by hiring you, legal consumers can close the gap between the resources they have available and what they actually need to get their issue resolved. Marketing and advertising materials – including website content, blog entries, and social media posts – can illustrate the number of ways in which you are an effective and affordable resource. If people are made to feel that they are well-equipped to tackle their problems, well-equipped because they have you, then their problems become *challenges* rather than *threats*.²⁹ When reframed in this way, their legal problem will seem manageable. The result is “good stress,” the kind that athletes might feel right before they compete, or that pumped-up feeling one might get right before a speaking engagement or court appearance. The pressure is there, but it’s under control, and in many cases this “good stress” causes people to perform better than if the stress did not exist at all.

Create advertising materials that convey your willingness to work hard for your clients.

Avvo research has shown that web site messaging conveying what you can do for your clients is more likely to create interest than information about your credentials (like being board certified).³⁰ It may not be wise to promise specific outcomes like “I’ll get you the settlement you want,” or “I’ll make sure you don’t end up in jail.” But clients do want to hire a lawyer who is willing to do what it takes to get as close to the ideal outcome as possible, who is “driven” and who will “work hard” for them. Messaging yourself as a valuable resource – conveying the notion that you can handle their issue, and handle it well – might go a long way toward making them feel less stressed about hiring you.

Offer a billing model that is manageable to your clients.

Where cost is a huge stressor, legal consumers may feel less “bad stress” if they are certain about the overall costs of your services upfront. Sixty-nine percent of legal consumers say that in deciding to hire a lawyer, uncertainty about final costs is a concern. This is why fixed fee or flat rate billing is so appealing to consumers: they know what to expect, and they know they can handle that expectation. Also, being clear about case milestones, and the specific tasks and costs associated with each milestone, can be helpful. By breaking down their case into digestible steps, you can turn an overwhelming situation into something they can handle.

Stay positive, as much as you can.

In whatever you do, it’s important to use positive language, and to maintain that language over the course of your

relationship with your clients. When creating marketing or advertising materials, message the benefits of hiring you rather than the negative consequences that could arise if they don’t hire. When clients come in for initial consults, or first speak to you on the phone, assume that they will remember the positive messages you convey and forget the negative ones. Also, where possible throughout the course of their case, frame their options in terms of positive, not negative outcomes, wherever you can. Your clients are more likely to use reason, and not be risky, if they are choosing between two positive outcomes. This may not always be possible depending on the case, but if there are situations where you could discuss their legal matters describing positive consequences instead of negative ones, you should.

Overcompensate for their tendency to primarily remember choices with positive outcomes.

When presenting clients with options that they need to choose between, it is helpful to keep in mind that when under stress, they’ll remember their past wins, not their past losses. This applies to their decision whether to hire you in the first place. For example, if you’re meeting with a prospective client who tends to handle most of his or her problems without the help of a professional (diagnosing illnesses themselves online, fixing their own plumbing with YouTube videos, etc.), then there’s a chance that, under the stress of their legal situation, they’ll just decide to do it themselves as well – without thinking it through carefully. Realize that this type of knee-jerk reaction is most likely due to stress, not you. This is why it’s important to reframe their issue as a challenge rather than a threat – through marketing assets – even before they walk through your door.

In whatever you do, it helps to know that you are usually not dealing with the best version of your clients when you first meet them. They may generally be rational, careful, and relatively unbiased in their daily lives. They may make decisions using high-level reasoning, carefully weighing the pros and cons of each option. But throw a stressful life or legal situation their way, and they could behave quite differently.

If you keep in mind that you’re dealing with your clients’ stress more than with their typical attitudes and behaviors, you can market to and work with them in ways that resonate and that make things much easier. This could dramatically increase your chances of getting hired and referred. For lawyers who put client satisfaction at the top of their list of priorities, reminding yourself that you’re dealing with people under stress is the most hopeful way to go.

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