

Ep #120: Get Curious Before You Get Defensive: Clean Language Questions for Lawyers



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John E. Grant

[The Agile Attorney](#) with John E. Grant

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One of my favorite things is finding effective tools and techniques from outside of the legal profession and then figure out whether they can work for lawyers.

And this week, I've got a new one for you. I often hear from lawyers that they feel like they're providing their clients with therapy as much as they're giving legal help. Well, today's tool actually has its origins in psychotherapy. Although it's since been adopted by coaches, facilitators, and other services professionals. I think it can be a great way to unlock stronger engagement with legal clients as well.

You're listening to *The Agile Attorney Podcast*, powered by GreenLine. I'm John Grant, and it is my mission to help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more Agile Attorney? Let's go.

A quick note: The concepts from today's episode should be useful to you no matter what kind of practice you're part of or what tools you use. If you'd like, stay tuned at the very end where I will briefly talk about how my software tool GreenLine supports the principles and practices from today's show.

Hey, everyone. Welcome back. So, I'm going to talk this week about an issue that actually came up in a coaching call with one of my law firm clients a couple of weeks ago. And it's something that I think every lawyer runs into eventually, maybe even somewhat frequently. It's when you've started the work, you've gotten somewhere downstream in the matter, and all of a sudden the client gets cold feet.

Or maybe it's some other manifestation of frustration or annoyance, but they basically come to you and say, "I don't think you're delivering what I expected." Or maybe even more often, "I don't think I want to pay for the

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work that you've done for me, even though I said I would when we got started."

And if you're like most people, that is something of an oh crap moment. You think things are going okay, you know you've been doing good work, but the client just isn't connecting anymore with the value of the legal work that they hired you to do. And this is a moment where it is really easy to feel defensive and frustrated, and that's natural. I see this a lot on social media where lawyers and other legal team members are complaining about exactly this sort of thing.

We know we've done good work, the client is now not wanting to pay or they're complaining about their bill, and it's hard to understand why all of a sudden the client doesn't seem to be seeing the value of the work that you're doing.

And like I said, our natural instinct, the very human thing that we tend to do is to jump into defensive mode. We want to justify our efforts, we want to talk about our process, we want to tell people why the bill is the right bill and why it's worth it. But if you take a step back, you might recognize that that can be something of a lose-lose prospect because now you're in this sort of tug of war with your client. You're in a debate or an argument with them. When what you really need to be doing is getting aligned and engaged with each other.

So I want to talk today about a technique you can try instead. And this is one of those situations where I've learned something from outside of the legal industry that I've actually been using for over a year now in my own coaching practice, and I think this technique deserves a place in your legal practice. And that technique is called Clean Language questions.

But before I dive into Clean Language questions, I want to talk for a minute about what it actually means when your client comes to you with this kind of complaint. When the client expresses that frustration, they're going to

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say something like, "I don't want to pay my bill," or, "I don't see the value of the work that you're doing," because they're probably having some experience that they're not going to be very good at putting words to. And questioning the money is the easiest place they can think of to push back. It's the only lever they really have in their relationship with you.

So, I think one of the first mistakes, and it's an easy one to make, is to take that pushback at face value and turn it into an argument about the money. Because I don't think that's always what's going on. The client can't really get to the root of what's going on in their own minds, and so the money is the thing that they speak about.

So, I'm actually going to encourage you to treat the client as something of an unreliable narrator. Maybe they do have a money question, maybe they do have a value issue, but I wouldn't necessarily accept that at face value. I think you need to push a little harder or dive a little deeper to try to get to the root of their frustration. And that's where these Clean Language questions come in.

So, let me give you a little background about how I came to Clean Language questions. And originally, I learned them in a workshop I did a little over a year ago with a guy named Mike Burrows. And Mike is a very well-respected thinker in the Agile and Kanban communities, and I'm a big fan of his book, *Right to Left*, which actually changed the way I think about delivery of legal work. And I liked his ideas so much that I signed up to buy a workshop from him called Leading with Outcomes.

And that workshop has really helped me think more expansively about operating in a facilitator role, meaning I'm helping people come to their own understanding of the challenges they face, rather than just giving them an answer or leading them to one in more of a consultant's role.

Now, Mike, it turns out, learned about Clean Language questions from another coach named Marian Way over in the UK. And she's written a

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whole book about them called *Clean Approaches for Coaches*. And I'll put a link to that and the other books in the show notes. It's a really excellent book.

And then Marian Way learned the concepts from a guy named David Grove, who is a New Zealander that spent time in both the UK and the United States, where he eventually became a counselor and a psychotherapist, helping people work through complex trauma. And he came up with the Clean Language questions technique back in the 1980s, and it's really changed the way that a lot of people approach that therapeutic work.

All right, that short history lesson out of the way, what are Clean Language questions? At their most basic, a Clean Language question is a question asked in a very intentional way so that the question itself doesn't presuppose an answer. You, the questioner, are trying to guide someone to give them permission to dive deeper or think more expansively about whatever the topic is without imposing your own impression or your own solution on them. As you might imagine, that is easier said than done.

And I'm going to give you some specific examples in a minute, but I also am going to put a link in the show notes to a really excellent resource that Mike Burrows has developed. And he released it under a Creative Commons license. He calls it the 15-Minute FOTO, F-O-T-O, which stands for From Obstacles to Outcomes. And I like that framework so much, I've got a copy of the cheat sheet taped up on my wall, and I reference it all the time.

So, at a high level, there are two basic flavors of Clean Language questions. One type helps people open up and develop their thinking, maybe explore a concept a little more deeply. The other type is designed to move people towards an outcome. The questions are a little hard to describe vertically because they use placeholders. I'm going to use X as

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the placeholder, but I'll try to give you some examples of what might fit in those placeholders as well.

So when we're talking about the questions that open up and develop people's thinking, probably the most common or the most useful initial question goes like this, "What kind of X is that X?" So an interesting place to use this might be if a client is complaining about something being unfair. And so what you would say is, "What kind of unfair is that unfair?" Or maybe you could flip it a little bit and say, "What kind of fairness is the fairness that you're looking for?"

And then, of course, give them time and space to answer because their answer is going to help illuminate for them and for you what's actually going on in that emotional world where they're feeling a lack of fairness.

Another one in this vein that can be used to extend that exploration is a question that goes like this, "And when X, then what?" So extending this example I gave a minute ago, if someone is talking about fairness or maybe justice, you might say, "And when fairness happens, then what? When justice happens, then what happens?" As you're probably starting to see, right, asking this continuing question invites people to go deeper and maybe explore some parts of what they're looking for that they haven't even fully figured out yet.

And then the third of these questions, and these don't necessarily have to go in sequence, but I do think they have something of a natural sequence that can work well. The third question is, "Is there anything else about X?" So again, continuing the example, "Is there anything else about fairness or the unfairness that you're feeling?" Or, "Is there anything else about justice?" Or sometimes just, "Is there anything else?"

Because once people give you that first answer or even that second answer, now probably their juices are flowing, and so you don't necessarily want to disrupt it too early. I think you can ask that, "Is there anything else?"

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question that really gives them an opportunity to fully get to the bottom of whatever they're feeling in their situation.

Once you've given them that opportunity to think more deeply, they are probably going to turn over something pretty insightful or at least useful. Now, the other basic set of Clean Language questions are ones that help move the person towards an outcome of some sort.

And I think these are really useful ones because even though the client has hired you to engage in problem solving on their behalf, I think it can be really useful to get them to engage more deeply with their own ways of solving that problem because their ways are going to be important to your help with the legal matter anyway, right? This is not a, "You just are doing the work for them." This is really a, "We're doing the work together," situation.

And I've waited until this long in the episode to give you what is really kind of the magical question from this Clean Language questions technique. This is one that I use all the time and it is absolutely powerful in the way that it gets people thinking towards outcomes or deeper understanding. And it goes like this, "What would you like to have happen?"

And like I said, I use this one a lot. When I'm listening to someone express a frustration or talk about a problem they're having, I will often write down W W Y L T H H on my notepad. It's not the easiest initialism, but it's my shorthand for whenever someone is done with whatever thought they're on, the next thing I want to do is come in with that, "What would you like to have happen?" question because that question just does so much to increase both the person and your own understanding of what's going on in the client's head.

Now, the trick here, especially from a lawyer's perspective, is that you can't jump in and start issue spotting or criticizing the client's answer to that question right away. Even if we know from our knowledge and experience

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that what they say they want to have happen is completely unrealistic and not at all legally valid, we still have to accept that this is a real belief that the client has or a real desire that they have. And understanding that is important even if you ultimately need to redirect them into something that is more realistic or more legally valid.

Now, once the client gives you their answer to what they would like to have happen, there are a few places you could go. One would be back to the, "Is there anything else about that?" question. Give them the opportunity to go a little deeper on what they'd like. Another one is, "What needs to happen for X to happen?" So whatever their desired outcome is, have them think about what are the necessary preconditions or what are the activities that are going to set themselves up for success.

And again, this is a great way to engage the client around problem solving for their own matter, and if they can't come up with good things around what needs to happen in order for X to happen, that's also a great place where they can invite you in for your expertise rather than you pushing it on them.

So that's five Clean Language questions so far. I'm going to give you one more that is a little bit different, and it's really useful when you find that clients are making assumptions about things or maybe sometimes when the client is catastrophizing about their situation. And the framing of the question is, "How do you know X?" So if the client says, "I know they'll never settle," the question you come back with is, "How do you know they'd never settle?"

And that gives them the opportunity to articulate their fears or concerns and get them out in the open where you can look at them, discuss them, and address them. And it's a really [useful] way to help the client move forward with something of a plan, and also maybe to realize that a lot of their fears could be imagined, right? They're having an emotional response, not

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necessarily a rational one. And so by helping them unpack that, you're actually doing them and yourself a big favor.

Now, one thing I do want to caution you about with these Clean Language questions is keeping them clean is really hard. And so it's one of the things I've really had to learn, and I'm still learning, is that you can't ad-lib these questions. It really kind of helps to memorize them. So for that reason, I'm going to put the specific language of the questions I discussed today in the show notes, and I encourage you to print it out. And like I said, the Mike Burrows 15-Minute FOTO is also a great resource that actually has the specific questions printed out as part of it.

And I'll say it again, keeping these questions clean is hard for anyone, but I think it can be especially hard for lawyers. Clients hire us to do the thinking. And in a lot of situations, you know what the answer or the direction should be, but your experience of the legal matter is not as important as the client's experience of it. And you spending a little time to guide them towards a deeper understanding is going to help you create a better attorney-client relationship. And also, I think, to make them more likely to stick to the solutions long after that attorney-client relationship has ended.

So while I completely understand the urge to just jump in and start solving problems, sometimes the most valuable thing you can do is create space for the client to do their own thinking and to experience the growth that comes with it.

So when could you actually use these questions in your law practice? Going back to the problem I described at the top of the show, if the client relationship starts to go sideways in the middle of a matter, that's a really good opportunity to use them. In the case of the lawyer I was working with, their client came back and said, "Hey, I don't think I'm getting the value that I paid for." This was on a flat fee matter.

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So that is a great opportunity to use the, "What kind of X is that X?" question. What kind of value is that value? And then let them articulate it. What is it that you're expecting in return for the money you've paid? And then, however they answer, you can follow it up with something like, "Is there anything else about that?" And let them have one more bite at that apple.

Or with that same value complaint, you could take it in a different direction and use the, "What would you like to have happen?" question. And then again, whatever they say, what needs to happen in order for that to happen? And, you know, it doesn't have to be that value question. Let's say there's a client further along in the matter who says, "I don't know why this has to be so complicated," or, "I wish this were simpler." You could come back with, "What does simpler look like?" Or, "What kind of simpler is the simpler you're thinking of?"

Maybe you're representing a client in litigation and they say, "I wish you were fighting for me harder." And that's an interesting opportunity for the, "And when X..." question. You might say, "And when I'm fighting harder, then what? What does that look like?" And they may lead themselves right onto an answer where they realize that you fighting harder might not actually be the most productive thing for their goals.

I also want to draw a connection to something that Radhika Dutt said back in our interview in Episode 112, and I thought of this as I was scripting out this show. She said that every client relationship is in a metastable state and that in that metastable relationship, you're either growing together or you're growing apart. There is no status quo.

So when a client raises a complaint, that's a sign of an early rift. But you can pivot that around by asking these questions in a way that will actually strengthen the relationship and heal the rift. And it'll get you and your client more aligned and more engaged towards that common goal in the process.

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Now, the other place and maybe the best place for these Clean Language questions is right at the onset of the attorney-client relationship. And whether it's in your consult or your strategy session, using some of these questions, especially the, "What would you like to have happen?" question, is an incredible way to get information out of the client's head, all the things they've been thinking about, worrying about, anticipating. It is an incredible way to get up to speed with what they're looking for and hoping for and also what they're worried about.

And let me give you an example, say in an estate planning context. You've gotten the basic facts, what assets the client has, who's in their family, but instead of jumping straight into explaining what documents you think they're going to need, you can pause and say, "After you die, what would you like to have happen?" And of course, most estate planners ask some version of this, but I think really specifically using these Clean Language techniques can guide the client to some deeper answers.

You know, some people are going to tell you that they want to make sure there are no family arguments after they're gone. Some are going to tell you that they really care about avoiding taxes. Others are going to want to make sure that their spouse is taken care of or maybe a specific child with a special need or a particular charity that they're fond of.

Asking them questions in a way that is going to get them to articulate their wants and their needs in their own words is going to be a really powerful thing for you as you go to create the planning strategy and also as you tie it back to the value that the client is trying to achieve when they hired you in the first place.

You could see where the same technique would be useful in a litigation matter where you get the basic facts and then pivot to what would you like to have happen? And then when the client answers, you can use these other Clean Language questions. What needs to happen in order for that to happen? Or when they say they want a particular thing to happen, you can

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expand by saying, "What kind of thing is it that you're looking to have happen?"

A particularly useful one, I think, especially for clients that maybe have unrealistic expectations about the outcome of their case, is to ask that, "And when X happens, then what?" question. Because that kind of helps them get past the particular focused outcome that they think they want and expand into what they want their lives to be like after that outcome is achieved. And while you may not be able to achieve that specific outcome for them, you can still work towards getting their lives in a place where they want them to be.

And so I think there's a great opportunity, especially in that early part of a matter, if you and your team can build a process where after you've gotten that basic fact pattern, you can pivot into the, "What would you like to have happen?" question and then keep going with these other Clean Language questions to deepen the understanding, to get to some root cause or some root desires. And I think it's going to give you a better shared picture about what you can do to help the client achieve maybe not the specific thing they want, but at least the general outcome that they're looking for.

So as you probably know by now, my software tool GreenLine is a Kanban-based workflow management system for legal teams. And obviously, it's not going to coach you on what to say to your clients. Although there actually are some cool ways to get commonly used scripts or talking points to show up on a card when you need them. But that aside, it's not going to tell you which Clean Language question to reach for in a difficult moment. That part is going to be on you.

But what GreenLine can do is make your work and your workflow visible. And that includes being [able] to see your client journey, which can actually be more useful for this conversation than you might expect. When you're running matters using GreenLine, every matter has a position on the board. You can see at a glance where each client is in their journey with you, what

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stage of work it is, how long it's been there, and whether it's moving at the pace that you would expect.

On top of that, we have a way to track expected turnaround time for each stage of work. We call it a service level expectation. And when a matter sits longer than that expectation, especially in a client-dependent stage like getting information or approving a draft, that's a signal worth paying attention to. Because that card sitting idle on your board past its SLE could be a sign that your client is growing disengaged psychologically from you and your work. It's an early warning sign before their frustration builds or the complaint actually lands.

And that's a great moment for you or someone on your team to pick up the phone and suss out what's really happening in the client's head and maybe reach for one of those Clean Language questions I talked about today.

The board gives you the clear visible signals so you can proactively stay on top of your client relationships instead of having to repair them after they've already gone off track. I'd love to show you how GreenLine can work for you and your team and help you create better engagement for your clients. So to chat with me, head on over to greenline.legal and look for that book a demo button. Or you can just reach out directly to me at john.grant@greenline.legal.

All right, so the core takeaway I want to leave you with today is this. If you find yourself having a difficult conversation with a frustrated client, you don't lose anything by getting curious before you get defensive. And obviously, I really like these Clean Language questions I discussed today as a tool for helping the client unpack what's bothering them so that the both of you can work together towards a resolution instead of starting a tug of war over things.

And obviously even better, if you can use those Clean Language questions early in your attorney-client relationship so you can get deeper on the

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client's goals and motivations for whatever legal issue it is that you're helping them with. I'm not saying you should become their therapist in addition to their lawyer, but getting aligned and even clarifying where you can and cannot help is a great way to start the relationship off on the right foot.

All right. If you enjoy hearing about tools and perspectives from outside the legal profession, be sure to follow this podcast in your favorite player or better yet, leave me a review on Apple Podcasts or Spotify or YouTube. And if you have questions about Clean Language questions or really anything else in your law practice, please don't hesitate to reach out to me at john.grant@greenline.legal. I'd love to talk through things with you.

As always, this podcast gets production support from the fantastic team at Digital Freedom Productions, and our theme music is "Hello" by Lunareh. Thanks for listening, and I will catch you again next week.