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### **Shestowsky's Study Supports Value of Lawyers' Early Education of Clients About Their Procedural Options**

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## SHESTOWSKY'S STUDY SUPPORTS VALUE OF LAWYERS' EARLY EDUCATION OF CLIENTS ABOUT THEIR PROCEDURAL OPTIONS

JULY 28, 2022 | JOHN LANDE | LEAVE A COMMENT

For a long time, [Donna Shestowsky](#) has conducted empirical studies of litigants' perceptions about dispute resolution processes. CPR's *Alternatives to the High Cost of Litigation* magazine just published an article summarizing her study about parties' expectations about the process used to resolve their cases. The article is *Why Client Expectations of Legal Procedures Must Be Managed to Achieve Settlement Satisfaction*, 40 *Alternatives to the High Cost of Litigation* 105 (July/August, 2022), which is based on a longer article published in [Law and Human Behavior](#).

Donna surveyed litigants in courts in California, Oregon, and Utah soon after their cases were filed and interviewed them after their cases closed. The study analyzes multiple variables affecting litigants' satisfaction and perceived fairness, but this post focuses only on the importance of setting their expectations early in their cases, especially by their lawyers.

I have written about [the value of early dispute resolution and lawyers' efforts to promote it](#). While the value seems obvious, it's good to have empirical evidence supporting this proposition.

Here are some excerpts from the *Alternatives* article:

[W]hen litigants' cases resolved more quickly, and when a lawyer was involved on their side of the case, they were more satisfied with their procedure and viewed it as more just.

...

Our findings suggest the value of educating litigants about legal procedures, helping them develop realistic expectations for what each procedure can entail for their situation, and helping them make informed decisions about whether to attend their procedures.

The findings also highlight the role that lawyer involvement and efficient case disposition play in terms promoting satisfaction and perceived fairness from the litigant viewpoint.

...

Courts can institute rules that require attorneys to discuss all legal procedures that are available to their clients. Ideally, such rules would encourage lawyers to start these discussions early in the litigation process and revisit them at various points as the case develops.

...

1. Our results suggest how important it is for lawyers to educate their clients about each of their procedural options. Effective education and managing client expectations might lead to the formation of attitudes that reflect realistic expectations, and, in turn, lead to post-resolution assessments that reflect early impressions.
2. Depending on their skill and circumstances of the case, lawyers might be able to fashion the process of settlement procedures such as negotiation and mediation in ways that fit their clients' interests and needs, which might make frustrated expectations less likely.
3. Clients might benefit from learning that litigants tended to rate their settlement procedure favorably ex post, in regard to both fairness and satisfaction, regardless of how much they liked that settlement procedure initially. Such information might help them overcome resistance to the idea of using settlement procedures.

Take a look.

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