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Lawyer and Client: Who's in Charge

Douglas E. Rosenthal

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To what extent can and should people participate in dealing with the personal problems they bring to consulting professionals? This book presents two alternative models for the conduct of such professional-client relationships as those between lawyers and clients and doctors and patients. One model, called the traditional, prescribes a role of minimal participation for the client. The other, called the participatory, prescribes a role of decision-making shared by the client and the professional. After presenting the two models and their implications, the book systematically tests their validity in a case study of the lawyer-client relationship in the making of personal injury claims.

The distinctive feature of this work is a sophisticated and objective test of the traditional proposition that passive clients get better results than active clients. Evidence drawn from a sample of actual cases of personal injury claimants reveals that active clients in fact fare significantly better than passive clients.

The book is important and novel in four respects: it offers the first clear and realistic proposal for increasing the control people can have over the complex problems they bring to professionals; it presents concrete evidence that lay participation in complex decision making need not be inefficient; it gives practical advice to clients and to lawyers for dealing with each other more effectively and it presents a comprehensive picture of the actual and often dramatic experiences of accident victims, and what it is like to make a personal injury claim.

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