



*Ron Granberg received his B.A. from the University of Michigan in 1970 and his J.D. from the Monterey College of Law in 1978. He is the Dean of Community Programs at the Monterey College of Law, where he also teaches Legal Research and Civil Litigation. Mr. Granberg is a fellow of the American Academy of Matrimonial Lawyers and a fellow of the International Academy of Matrimonial Lawyers. Mr. Granberg was president of the Monterey County Bar Association in 1992 and was president of ACFLS in 2006. He practices in Salinas.*

**Y**ou have developed canned speeches to use with clients. So have I. We can. The reason we can our speeches is because they are handy in canned form.

There are times during a client meeting when I find it impossible to think. Sometimes it's a post-lunch food coma issue. Other times I'm too confused, distracted or lazy. It's good to have a canned remark in reserve.

The goal of this canned speech is to pry "Harold's side of the story" out of my client Wanda:

- "If Harold were sitting in that chair [gesturing] and I asked him to name three complaints he has about your mothering of Katie, what would he say? I'm not asking what the truth is – I'll ask about that later. For now I just want to know what words would come out of Harold's mouth."

When a client suggests taking an unwinnable position, I pull out this canned response:

- "I try to take only those positions that are likely to benefit my client. If we took the position you just described, my prediction is that I would earn a fee but that you would suffer an adverse ruling. Let's instead consider . . ."

If my client Harold has made a rash remark during a four-way meeting, I open this can at the next break:

- "As you know, you need Wanda's cooperation in order for this negotiation to succeed. Do you think a remark like the one you made about [specify] will have a tendency to make Wanda **MORE** cooperative or **LESS** cooperative? What effect do you think it would have on the tone of the negotiation if you were to apologize for the remark when we reconvene?"

# WE CAN

RONALD S. GRANBERG, J.D., CFLS

MONTEREY COUNTY

RON@GRANBERGLAW.COM

WWW.GRANBERGLAW.COM

When my client is forgetting to put daughter Katie's interests first, I pop open one of these cans:

- "Wanda, although you and Harold are going through hard times now, you two will survive this divorce relatively unscathed. Katie is the only one at risk here."
- "Harold, if the discussion we just had had been videotaped and if the videotape were played for Katie on her 18th birthday, what advice do you think she would have had for you? Do you think she would have said, 'Go for it, Dad! Take Mom back to court over those extra two hours on Saturday?'"
- "Studies show that the divorce factor that will have the greatest impact on Katie is the degree of parental conflict. The conflict level is more significant than anything else in the case, including the custodial arrangements. Here's how we can de-escalate. . . ."
- "Wanda, if I were your personal injury lawyer, it would be easy to measure my performance: the more money I got you, the better lawyer I was. But my performance as a child custody lawyer isn't measured that way. In fact, if I were able to convince the judge that Katie should never see Harold again, I would probably be the worst lawyer instead of the best. You WANT Katie to have a strong relationship with her Dad because if she doesn't, chances are she'll grow up having trouble forming positive relationships with men."

I usually talk when I should be listening. Four canned questions help me become more sensitive to my client's needs:

- "What would **YOU** like to see happen next?"
- "What are **YOUR** goals on this issue?"
- "What are **YOUR** concerns here?"
- "How is this process working for **YOU**?"

If a rock slides into a river, water wears away its edges until the rock becomes smooth to touch and comfortable to hold. That is why a friend of mine calls a good canned speech a "river rock statement."

I stole from wiser divorce lawyers the canned speeches printed in this article. Maybe I can steal from you, too. I'll bet you have a great canned speech or two in your bag of tricks. Send them to me: ron@granberglaw.com. Maybe a regular ACFLS newsletter feature (the "Canned Corn" column?) has been born. Identify the creator(s) if authorship attribution is requested.

Let's recycle our cans. If we play this right, we may never have to actually think again. ■