
THERE IS MORE TO THE PRACTICE OF LAW THAN “THE LAW” USING THE SCIENCE OF INFLUENCE TO BE A MORE ETHICAL AND EFFECTIVE PRACTITIONER

By Myer J. Sankary

When I opened my solo practice over forty years ago, I thought I was ready to practice law. I had a good education and some experience at a law firm. But I was not prepared for the rough and tumble interaction with clients, other lawyers, and office staff in the real world. These skills were supposed to come intuitively, as they were outside the scope of law school training. You didn't need instruction about how to deal with other people—it was a given. You either knew about effective social interaction before coming to law school or you would learn about it on the job. On the job training dealing with other people can be costly, particularly when you don't have any guidance about the way other people behave.

This article explores basic principles about how lawyers can enhance their relationships with their clients and other attorneys by the skillful and ethical application of the science of influence, a new science that has emerged over the past 60 years that examines and explains how humans influence actions and decisions of others. Like other fields of applied science, such as medicine and psychology, the science must be learned, understood, and applied ethically to achieve the best results.

We all influence one another—for good or for bad. We use techniques that are hard-wired, intuitive, sometimes self-taught, and sometimes learned by watching others. Some lawyers are really good at it. They rise to the top and are the most sought after and most respected in the profession. Ask any successful experienced lawyer what is the primary reason for his or her success and he or she will tell you that, in addition to their expertise

in a specific area of law, it is the ability to successfully interact with other people, particularly getting others to accept their advice, proposals, recommendations and arguments etc. In short, it is the ability to influence others to follow them.

Rules of Professional Conduct

After years of legal education, lawyers are required to pass a bar exam that includes both the substantive law and ethics. Lawyers' conduct is subjected to substantial oversight by the State Bar. Why is it necessary for the legal profession to have so many rules governing their conduct? The following are some answers to this question:

- To provide guidance to lawyers to avoid improper dealings with clients.
- To protect consumers from lawyer's misconduct.
- To engender confidence in the legal profession in general and between lawyer and client.
- To maintain a balance of power. Since lawyers have superior knowledge of the laws and the process, clients rely upon lawyers for their expertise and authority. Lawyers are in a position to take advantage of clients and often do. Clients need protection from the small number of bad apples that can adversely affect the entire profession.

The State Bar's professional ethical system is designed not only to discourage bad behavior but also to penalize bad behavior by suspensions or disbarment.

Some of the important rules that lawyers

continued on page 4



Myer J. Sankary

MCLE
ETHICS

After reading this article, you can earn MCLE credit by completing the test on page 10

**MCLE
ETHICS**

After reading this article, you can earn MCLE credit by completing the test on page 10

should keep in mind when dealing with clients are the following:

Attorney-Client Confidentiality

The most fundamental duties owed by an attorney to a client are the duties of confidentiality and loyalty. The protection of communications between client and lawyer is a fundamental part of our judicial system. In California, the duty of confidentiality in Business and Professions Code Sec. 6068(e)(1) was enacted more than 130 years ago and is recognized in California Supreme Court decisions.

Underlying the ethical principles of confidentiality and loyalty is a fundamental concept that the public interest is best served by the free and unrestricted exchange of information between lawyers and their clients because legal advice will encourage compliance with the law and protects the rights of the accused. "To perform these vital functions effectively, lawyers need clients to disclose information fully and candidly. Similarly, for our system of justice to function, attorney work product needs to be secure. However, clients are much less likely to seek legal advice or to make necessary disclosures if they believe others can compel them or their attorneys to disclose their communications." *Saving the Attorney-Client Privilege*, by John W. Amberg (*Los Angeles County Bar Update*, June/July 2005, Vol. 25, No. 6).

Communications

Lawyers must follow strict guidelines when communicating with clients, either through advertising, by mail, or in a face to face conference. Rule 1-400. Furthermore, attorneys are obligated to keep clients reasonably informed about developments relating to their matter. Rule 3-500.

Among others, the following communications are presumed to be in violations of 1-400:

- Guarantees, warranties, or "predictions" regarding the result of the representation.
- A testimonial that does not contain an express disclaimer that it does not constitute a guarantee, warranty, or prediction regarding outcome.
- A communication to a potential client whom the member knows or should reasonably know is in such physical, emotional, or mental state that he

or she would not be expected to exercise reasonable judgment as to the retention of counsel.

- A communication transmitted at the scene of an accident or at or en route to a hospital.

Competency

An attorney has a duty to act competently and has an obligation to apply: 1) diligence; 2) learning and skill; and 3) the mental, emotional, and physical ability reasonably necessary for the performance of such service. Rule 3-110.

Role as Fiduciary

"Attorneys owe the utmost duty of good faith and fidelity to clients." "The relationship between an attorney and client is a fiduciary relationship of the very highest character and all dealings between an attorney and client that are beneficial to the attorney will be closely scrutinized with the utmost strictness for unfairness." (Comments in Rules and citations omitted.) A lawyer must avoid any interest adverse to a client. Rules 3-300 and 3-310.

Fees

Lawyers are even restricted in the amount of fees they can charge clients for legal services. "A member shall not enter into an agreement for, charge, or collect an illegal or unconscionable fee." Rule 4-200.

The Science of Influence

We shall now turn to the science of influence to understand why these ethical rules are so important to the legal profession and to the consumers who use legal services.

We know humans are social animals. The brain evolved over hundreds of thousands of years to survive in complex societies—how to read facial and body expressions and to make instant decisions whether to engage the other in a friendly cooperative social exchange or whether to fight or flee. These adaptations for human engagement are both hardwired, learned and evolved for survival.

The field of social sciences began to develop methods for measuring and determining how people make decisions in response to communications and behavior of others. This field became known as the science of influence. One of the world's leading authorities in this

field is Dr. Robert Cialdini at Arizona State. His book, *"Influence: Science and Practice,"* is now in its fifth edition and is one of the most popular social science books in the world. Dr. Cialdini and his team of social scientists have accumulated years of studies and data from all over the world to ascertain the fundamental principles at work in this social exchange, particularly when someone is trying to sell a product or persuade another person to accept one's proposals, contentions, or reasons and to move the other person toward a favorable decision from which the persuader benefits.

Dr. Cialdini discovered, somewhat to his surprise, after his personal investigation into the world of car sales, door to door sales, advertising, recruitment into the military and into cults, waitering, and other service professionals, that there are what he called "Six Universal Weapons of Influence." He called them weapons because the principles can be used against others to manipulate them to buy things or do things (such as invest in a Ponzi scheme) to the detriment of the victim.

Cialdini determined that although the principles could be used as weapons to serve selfish interests, they could also be used in an ethical manner to obtain a mutually beneficial result for both the persuader as well as the person persuaded. In all workshops, the participants are trained in the ethical application of the principles of persuasion. See www.influenceatwork.com.

Because I am now a full time mediator, I decided that I should learn these principles and their ethical application directly from Dr. Cialdini, and so I became one of the only attorneys trained and certified to present the Principles of Persuasion workshop. I now use these principles whenever appropriate, particularly in every negotiation.

I strongly urge you to read Cialdini's book to understand some of the context for why these principles work so well and when the conditions are appropriate for applying them. In this limited article, I will explain the ethical aspects of applying the principles. Then I will set forth the principles with illustrations about their use in the attorney-client relationship and how the rules of professional conduct are designed to enforce the appropriate use of these principles.

1. The Liking Principle: People are more likely to say yes to people they like. This seems obvious, but is based upon the evolutionary aspect of the brain develop-

ment. The brain can decide in milliseconds whether the facial expressions of another are friendly and inviting, or frightening and distancing. Your brain makes this calculation based on observing the eyes, mouth, nose, and facial structure and instantly decides whether that person looks like someone in my past that I liked. Another aspect of this principle is that people will say yes to people who are "like" themselves or their kind. You are more open and agreeable with someone who came from your home town, who went to your school or church or synagogue, or belonged to similar organizations.

**ASK ANY SUCCESSFUL EXPERIENCED
LAWYER WHAT IS THE PRIMARY REASON
FOR HIS OR HER SUCCESS AND HE OR
SHE WILL TELL YOU THAT, IT IS THE
ABILITY TO SUCCESSFULLY INTERACT
WITH OTHER PEOPLE, PARTICULARLY
GETTING OTHERS TO ACCEPT THEIR
ADVICE, PROPOSALS, RECOMMENDA-
TIONS AND ARGUMENTS ETC.**

If you are from my tribe, you are going to be able to influence me more easily. Hence, the prevalence of affinity fraud: Ponzi schemes work much better among a religious group or ethnic group—think about who Bernie Madoff was able to scam more easily. There is almost no religious or ethnic group where frauds and scams have succeeded in which the perpetrator was not like the victim in some way. A third aspect of the liking principle that is the most powerful is that people say yes to people who say they like them! If someone says he or she likes you and compliments you, you are more likely to trust the person and will be less critical in evaluating what is being sold to you.

The lesson to learn here is: A) You will be better able to persuade your client or another attorney if they like

continued on page 6

**MCLE
ETHICS**

After reading this article, you can earn MCLE credit by completing the test on page 10

you, if you show respect and like them, and, further, that there is some bond of likeness between you. That is why schmoozing is so important before getting down to business. Studies have shown that when negotiators take the time to get to know one another first, there is much more likelihood of a successful outcome to the negotiations; B) Beware of someone who employs this weapon of influence by trying to ingratiate himself to you or to your client. Healthy skepticism is important when someone suddenly becomes your best friend—like most car salespersons who make every effort to be your friend to sell you a car. Don't put down your defenses—become more alert to protect yourself and your client.

The key to ethical application of this principle is that the liking underlying the friendship must be authentic, genuine, and appropriate. It must be for the benefit of both you and the client. It should not be used by the attorney solely to manipulate the client's emotion, but to enhance the relationship so that the client will feel confident and comfortable with you. When you communicate with a client, keep in mind the rules governing advertising and communication set forth above in Rule 1-400, and remember that while trying to establish rapport with your client there must be genuine sincerity, truthfulness, and authenticity.

YOU WILL BE BETTER ABLE TO PERSUADE YOUR CLIENT OR ANOTHER ATTORNEY IF THEY LIKE YOU, IF YOU SHOW RESPECT AND LIKE THEM, AND, FURTHER, THAT THERE IS SOME BOND OF LIKENESS BETWEEN YOU

2. The Reciprocity Principle: Numerous scientific studies have consistently shown that people generally feel obligated to reciprocate in the future when they have received a gift from someone. Society itself developed because of this principle—that when one gave something to another, it was not lost, but

rather it would assure that something of equal nature would eventually be returned. All throughout history and in modern culture, the truth of this human exchange has been incorporated in such phrases as “Give and ye shall receive,” “Do unto others...,” “One good turn deserves another,” “I scratch your back, you scratch mine,” “What goes around, comes around.” All of these heuristic sayings have common wisdom. Generally, when one gives a gift or receives a gift, a feeling of obligation is created to reciprocate.

Although we think of gifts in monetary terms or a physical item, gifts can also be non-monetary. A friendly smile, a thank you, an apology, showing respect and courtesy, doing a favor: these are all non-monetary gifts that can create the likelihood of similar behavior in return.

Whereas the reciprocity principle can be used to create positive, mutually beneficial relationships, lawyers are often trapped in the dark side of reciprocity; commonly known as the “tit for tat” strategy. If someone extends a courtesy or treats you respectfully, professional courtesy requires that you respond in a similar manner. However, when no courtesy is extended (e.g. your opponent refuses to grant a reasonable additional time to respond to discovery or to file an answer) lawyers feel compelled to apply the “tit for tat” strategy and refuse a courtesy to the offender.

Although not in the realm of a gift, compensation for services is an exchange, but it does not create the sense of future obligation to reciprocate. However, if a client fails to pay a lawyer's bill, the lawyer must be careful not to reciprocate in a negative way that would jeopardize the client's case. When an attorney extends a courtesy, does a favor, or gives a gift by talking with a client on a short phone call without charging for it, and the client is made aware of this gesture, generally, the client will feel grateful for this “gift” and will feel obligated to respond in the future with a similar gesture of good will, either by speaking highly of you to others, referring another client, paying the bill timely, or providing a good recommendation.

3. Consensus or Social Proof: As social animals, we are generally programmed to follow what the crowd is doing. Particularly, when we are uncertain what decision to make, we look to others to find out what they are doing and often follow their lead. This is a powerful

principle that is used in advertising, particularly on TV. The next time you watch TV, count the number of ads that promote a product or service by showing that many others use and approve the product or service. J.D. Powers has built an entire business on this concept. A lawyer would be wise to explain to the client that what is proposed for the client, either by way of the terms of a transaction or by some procedure that is recommended for use in litigation, is typically used by others—it is the standard used by other competent lawyers. This not only meets your obligation as to the standard of care required of you, but will give your client confidence that others use this same procedure that you recommend.

Of course, following the herd can also lead you off the proverbial cliff if you are not careful. As with the other principles, make sure that you do not leap into an important decision, such as investing in a business deal or advising your client to invest solely on the basis that other smart people are making the same investment. Recently, major national accounting firms got into serious trouble by recommending tax shelter schemes that “many others” thought would provide a way to shelter their clients’ income. You must do your own independent evaluation even if the investment looks good because other competent people are investing in the deal. CRPC Rule 3-110.

Just remember that many sophisticated money managers recommended that their clients invest in the biggest Ponzi scheme of all time, without having made their own independent investigation or used their own expertise and judgment to evaluate Madoff’s Wonderful Money Making Machine. Also, keep in mind the wise saying that “if it is too good to be true, it usually is – not true.” They were influenced by Madoff because many others like them were investing in the scheme, and because of his appearance of superior knowledge and authority as well as their affinity with him (likeness based on their community ties – same charities and religious affiliations). The combined unethical use of these principles of liking, social proof, authority, and scarcity influenced a lot of very smart people to rely on Madoff’s advice rather than use their own independent judgment, resulting in a tragic loss of \$60 billion dollars.

4. Authority: This principle is the primary basis underlying the relationship between attorneys and their

clients. Clients seek legal advice from someone who is an authority, just as they seek advice from doctors, accountants, and other professionals. In most cases, it is appropriate and beneficial for clients to seek advice from an expert, an authority, in making a decision about what they should do—such as whether to make

**REMEMBER THAT WHILE TRYING TO
ESTABLISH RAPPORT WITH YOUR CLIENT
THERE MUST BE GENUINE SINCERITY,
TRUTHFULNESS, AND AUTHENTICITY**

an investment or whether to file a lawsuit against someone who has committed a tort against them. You are the authority in a position of greater education, training, knowledge, and experience. Your opinion will be very persuasive if you use the principle of authority in an ethical manner.

The client may not be impressed, however, by all of your credentials and expert wisdom. There is something more fundamental that clients look for even though it is often not expressed. They seek the advice from someone who not only is an expert, but who is also “credible and trustworthy.”

Oftentimes, attorneys are unaware why they are not selected to represent the client. It is important to self-examine how you came across to a client. Even though you may show superior knowledge and expertise, what may turn a client away from selecting you is the impression of “superiority.” You may have given the impression that what you are interested in is your own self-worth and status and not concerned about the needs and interest of the client. This is when those attorneys who have good “bed-side manners” can often engage and retain clients more than those who may have greater knowledge and expertise.

Clients sense when lawyers are interested in their matters and are not trying to prove how smart they are. Underlying most of the rules of professional conduct cited above is this principle of authority—people will

continued on page 8

follow someone who appears to be an authority and often are not able to discern who may not be competent. Because lawyers are in a superior position of knowledge, training, and understanding of the law, they are able to give the appearance that they know what they are doing.

The client often is taken in by the representations of a lawyer's accomplishments—that is why the rules governing honest communication in advertising are essential. It is also important for the lawyer to use critical skills in evaluating other professionals and not be misled by misinformation because the person appears to be an authority, as in the case of the accountants who created sham tax shelters. Lawyers must exercise their independent critical skills to reach their own opinions about the merits of a deal or the wisdom of a litigation strategy.

**IT IS ALSO IMPORTANT FOR LAWYERS
TO ADVISE THEIR CLIENTS IN A
MANNER THAT LEAVES ROOM FOR THE
POSSIBILITY THAT THE FACTS OR THE
LAW MAY TURN OUT DIFFERENTLY,
AND COMPROMISE OF A CLAIM OR
SETTLEMENT IS BETTER THAN THE
UNCERTAIN RISKS OF A TRIAL**

5. Commitment and consistency: Generally, when a person makes a voluntary commitment that is open and public, that person feels obligated to behave consistently with that commitment. Those who do not act consistently with their commitments are generally viewed as untrustworthy, uncertain, and wishy-washy. People generally do not trust those who behave inconsistently regarding their commitments. Especially, when one does not live up to one's written commitment in a contract, not only is it considered a breach, but often claims of fraud and misrepresentation arise.

When an attorney takes on the obligation of representing a client, not only is it a written contract, but there is a fiduciary obligation to fulfill that commitment to the client. That is why it is so important that an attorney evaluate the case presented before he or she undertakes the representation. When you do decide to represent the client, in most cases, the commitment must be in writing according to the State Bar Act (Business and Professions Code §6148 Written Fee Contract). The client pays the attorney a fee, which in the client's eyes creates a greater commitment by the attorney to adhere to the rules of professional conduct.

As the attorney develops the facts of the case, and perhaps writes letters on behalf of the client, a greater commitment is made to the client's cause. Then the attorney prepares pleadings and motions and discovery—all of which signify further commitments. The problem arises when the facts of the opposing side start to develop. It may be that the case is no longer as solid or sure as when the attorney undertook the representation.

When the parties reach the stage of mediation, the attorney may be so committed to his client's case that, when confronted with facts and law that would undermine it, the attorney often refuses to accept the reality of opposing information and blindly pursues a course of action by advising the client to reject an offer of settlement that might be in the client's best interest (even though the offer does not comport with the lawyer's original assessment and avowed commitment). It then becomes almost impossible for the lawyer to change his perspective because of his original series of commitments to the client and to his case. This can lead to disastrous consequences both for the client and the attorney. The client might incur substantial legal costs to pursue a claim that has little chance of winning and the attorney risks devoting substantial time to the case for which he most likely will not get paid. In the end, these circumstances may result in a dispute with the client that can cause the termination of the relationship.

The concept to learn from this principle is that, although it is important to be consistent with your prior commitments, it is also important for lawyers to advise their clients in a manner that leaves room for the possibility that the facts or the law may turn out differently, and compromise of a claim or settlement is better than the uncertain risks of a trial.

6. Scarcity—Loss Framing: When things appear scarce, they appear to be more desirable—that is the general strategy underlying the limitation of diamonds in the market. A corollary of this principle is that when people are shown that there is a likelihood that they will *lose* by taking or not taking a certain course of action, they are more motivated by that argument than if they are shown that they could *gain* from making that decision. This principle comes into play when lawyers advise their clients—either that the course of action will result in increasing the risk of loss, or that the course of action will promote greater gain.

Of these two arguments, studies have consistently shown that people are more persuaded to avoid a loss. Because lawyers are in a position to fashion their arguments both to clients and on their behalf (perhaps to a jury or judge: “if you adopt the course advocated by my worthy opponent, then these dire consequences will befall our society, you can put an end to this evil menace.”). Neuroscientists are finding that the loss-framing principle activates the reptilian part of the brain—which is the part of the brain that developed to fight or flee and is closely tied to the emotions of fear and dread.

It is easy for a lawyer to scare a client into believing something that is not true. That is why it is so important for the lawyer to comply with the ethical injunctions of telling the client the truth even if it means that it is not as persuasive an argument. Lawyers should be aware when this argument, fear of loss, may be used against them to gain an advantage. The Ponzi scheme is a good example of the improper use of the scarcity principle. Many investors admitted that they felt if they did not invest with Bernie Madoff they would be losing out on a very good opportunity to make money. Madoff enhanced this feeling by refusing to accept money from some investors, so those who did invest felt especially lucky because they were chosen—as it turned out—to be Madoff’s victims.

Summary

It is important for lawyers to be aware of the ethical applications, and the limits on the use of the principles of persuasion so that they can both use the principles appropriately on behalf of the client and avoid being the victim of the unethical use of the principles against them or their client. These principles also have the salutary effect of enhancing trust and confidence in the

attorney-client relationship. When making any decision affecting your client or your behavior, be mindful of these governing concepts in building a reputation for trustworthiness, credibility, and integrity:

1. Tell the truth—do not be misleading or deceptive.
2. The communication should be authentic and appropriate under the circumstances.
3. Your advice and behavior should be mutually beneficial for both your client and you.
4. Your advice and behavior should enhance confidence and loyalty between you and your client.
5. Your advice, recommendations, and behavior should build a long-lasting relationship that will benefit your client, yourself, and the community.

Following these principles will keep you on the path to a successful, prosperous, and ethical career.

Myer Sankary is the former chair of the Solo and Small Firm Section of the California Bar and is now senior advisor to that section. He presently serves on the State Bar Mandatory Fee Arbitration Committee and is the chair of the San Fernando Valley Bar MFA program. Mr. Sankary is a full time mediator on the panel of ADR Services, Inc. with over 13 years of experience in such specialties as probate, trusts and estates, corporations, litigation, and business transactions, having practiced in a variety of areas of law since 1966. Mr. Sankary also serves on the LA Superior Courts ADR Committee. Mr. Sankary is the current president of the Southern California Mediation Association and a founding director of the non-profit organization of Adult Resolution & Mediation Services (ARMS) that promotes education and use of mediation for resolving disputes involving elder adult and family issues.

MCLE
ETHICS

After reading this article, you can earn MCLE credit by completing the test on page 10

HOW TO RECEIVE MCLE SELF STUDY CREDIT

After reading the MCLE credit article, complete the following test to receive 1.00 hour of MCLE self study ethics credit.

- Answer the test questions on the form below. Each question has only one answer.
- Mail form and a \$20 processing fee (**No fee for LPMT Members**) to: LPMT Section, State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639. If you are not yet a member, send in your membership application and fee for 2009 (see back page) with your answer form, and LPMT will waive the \$20 processing fee (for each MCLE quiz in this issue as long as you submit all forms in one envelope).
- Make checks payable to The State Bar of CA
- Correct answers and justifications will be mailed to you within eight weeks.

NAME _____ LAW FIRM/ORGANIZATION _____

ADDRESS/STATE/ZIP _____ STATE BAR NUMBER _____

The State Bar of California and the Law Practice Management and Technology Section are State Bar of California Approved MCLE Providers.

QUESTIONS: THERE IS MORE TO THE PRACTICE OF LAW THAN “THE LAW”



1. One of the purposes of the California Rules of Professional Conduct is to create causes of action for clients against lawyers who violate the ethical rules.

True False

2. Another purpose for the Rules of Professional Conduct is to maintain a balance of power between the lawyer and the client.

True False

3. The State Bar’s professional ethical system is designed not only to discourage bad behavior but also to penalize bad behavior by suspensions or disbarment.

True False

4. California Business & Professions Code §6068 establishes the rule of client-attorney confidentiality, which has been in existence for the past 30 years.

True False

5. The primary reason for the rule of confidentiality is so lawyers can learn about personal family secrets of their clients whether or not it is relevant to their legal matter.

True False

6. Clients are less likely to seek legal advice or to make necessary disclosures if they believe others can compel them or their attorney to disclose their communications.

True False

7. Rule 1-400 permits attorneys to give predictions about the results of a client’s case so long as they can substantiate the claim by at least one testimonial from another client.

True False

8. An attorney can discuss a client’s case and solicit their business even if a client is in an ambulance or in a hospital recovering from an injury.

True False

9. An ideal time to discuss the client engaging your services is when the client is emotionally upset about their loss and is angry at the person who has caused them harm.

True False

10. Rule 3-110 states that a client has a duty to act competently but there is no obligation concerning an attorney’s mental, emotional or physical ability for the performance of such services.

True False

11. Rule of Professional Conduct 4-100 states that an attorney owes a duty of good faith and fidelity to clients, and the relationship between the attorney and client is a fiduciary relationship of the very highest character.

True False

12. The Rules of Professional Conduct state that all dealings between an attorney and client that are primarily beneficial to the attorney will be closely scrutinized with utmost strictness for unfairness.

True False

13. There is no rule governing the amount of fees that an attorney may charge a client.

True False

14. Dr. Cialdini discovered that there were essentially 8 principles of influence that govern the way people influence and persuade one another.

True False

15. One of the rules of persuasion is cognitive dissonance in which the person being persuaded is committed to a fixed unalterable belief and refuses to change even when confronted with facts to the contrary.

True False

16. The rule of reciprocity states that if you receive monetary compensation for the services you have rendered, you will feel obligated to continue to render those services even if you do not receive future compensation.

True False

17. Lawyers often fall into the trap of “tit for tat” behavior, which is a form of the rule of reciprocity.

True False

18. When uncertain, people tend to follow what other people are doing, which is known as the rule of social proof.

True False

19. Lawyers can be most persuasive by knowing how to ethically apply the principles of persuasion because they create confidence and trust in the relationship.

True False

20. When considering the ethical application of the principles of persuasion, the attorney should first determine whether the advice or recommendation will benefit the attorney and if possible also benefit the client.

True False