Communication That Works

For legal professionals · Fair Notice

Techniques that measurably improve comprehension and participation. Every one is free, and none requires a diagnosis.

TEACH-BACK

The single highest-value technique available. It costs thirty seconds.

> *"I want to make sure I explained that well. Tell me in your own words what happens if you miss a check-in."*

It shifts the burden	The question tests your explanation, not the person's intelligence. That framing is why people answer honestly instead of performing comprehension.
It defeats masking	"Do you understand?" invites a yes. "Tell me in your own words" cannot be answered by nodding.
It costs thirty seconds	Shorter than a failure-to-appear hearing, a bench warrant, or a violation calendar.
It creates a record	You documented actual comprehension, which is more protective than a recited affirmation.

What to avoid: "Do you understand?" invites the answer you want to hear · "Any questions?" reliably produces none · "Is that clear?" has the same defect · asking someone to repeat your words verbatim tests memory, not comprehension.

STRUCTURAL CHANGES

INSTEAD OF	DO THIS
"Do you have any questions?"	"What part should I go over again?"
Mailing a notice and waiting	Text or call reminder, plus the mailed notice
Three conditions in one sentence	One instruction per sentence, written down
"Come back when you have it sorted"	"Your next step is X, by Friday. Here is who to call."
Rotating appointment dates	Same day, same time, same place
Handing over a form to complete	Completing the form together, in the room
A verbal order with written copy to follow	Written summary handed over before the person leaves

INSTEAD OF	DO THIS
An open-ended timeline	A specific date, said aloud and written down

The unifying principle: **design the obligation so that meeting it does not require the skill the person is missing.**

> Nothing in the right-hand column requires funding, new staff, or a diagnosis. That point is worth making explicitly — it defuses the most common institutional objection before it is raised.

INTERVIEWING

Question design. One question at a time — compound questions produce answers to one component and silence on the others. Avoid negatives and double negatives: “You didn't fail to report, did you?” is unanswerable for many people. Concrete over abstract: “What did you do after you left the building?” rather than “Walk me through your day.” Anchor time to events rather than clocks.

Processing time. Silence after a question is processing, not evasion. Count to seven before rephrasing. Rephrasing too early restarts the processing and produces worse answers, not faster ones. Offer written questions in advance where the setting allows.

Literalism. “Did you go anywhere yesterday?” may honestly produce “no” from someone who went to work, because work is not *anywhere*. Apparent inconsistency frequently originates in the question, not the answer. **Before treating an inconsistency as deception, re-ask with different phrasing.**

Environment. Reduce sensory load where possible — lighting, noise, interruption. Offer breaks proactively rather than on request; people who are overloaded do not ask. Permit fidgeting, movement, standing, and note-taking. Allow a support person where the setting permits.

WHERE TO USE TEACH-BACK

- Before accepting a waiver or a plea
- When setting conditions of release or supervision
- At the counter, when explaining what someone owes and by when
- At the end of any client interview
- Any time someone has said “yes” quickly

TWO THINGS TO TRY THIS WEEK

1. _____ by _____

2. _____ by _____

Attendees at our trainings write down two changes and we follow up at ninety days. Roughly half report the changes held. Writing it down is most of why.

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