

Difficult Clients and Difficult Lawyers

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Complete Lawyer

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DIFFICULT CLIENTS AND DIFFICULT LAWYERS

DIFFICULT FILES AS A RESULT OF DIFFICULT CLIENTS AND DIFFICULT LAWYERS

Any litigation is draining, both for the Client and the lawyer.

One of the most frustrating experiences in litigation and adding to the expense and the physical and emotional toll is having a file you dislike because the Lawyer acting for the other litigant is unreasonable and unpleasant, an unrepresented litigant who does not understand the process or is unreasonable and unpleasant and/or a Client who is unreasonable or is unpleasant and refuses to attempt to understand the issues or process.

If you have one of these files and you all do because we all have bad Clients, the most important thing to remember is to maintain your professionalism. You were retained to help your Client resolve their dispute in a timely cost effective manner.

The Lawyer on the other side is entitled to be unreasonable. Not unethical, but unreasonable. He and his Client may not see things the same way you do and does not accept some things you take for granted. He or she has a Client who is giving instructions and it must be assumed they are following those instructions. You can not do anything about this person. If you have the file, you are going to have to work with them in some fashion or another.

The second person, the Client, you do control, at least to some extent. Firstly, you are not obliged to act for everyone who shows up at your door. Secondly, you do not need to accept instructions you believe are inappropriate and in some circumstances, these instructions will allow you to withdraw.

Now of course there is a third person involved in this mess. That is you. There are times when you are the problem. This is the one person you need to manage and maybe can manage. You are required to be objective in regards to your Client's issue. There are generally at least 2 sides to every story and most times even more. The truth generally lies somewhere in between all the stories. The other side is entitled to be heard. You need to keep that in mind and convey this to the Client.

So between all three of these groups, there can be a lot of friction. You need to also remember there are lots of other folks you interact with along the way when doing litigation. Your staff, the Court House staff and the Judges, so you need to maintain your professionalism or your reputation will be tarnished.