DEALING WITH A DIFFICULT CLIENT



Carol P. Waldhauser, Executive Director
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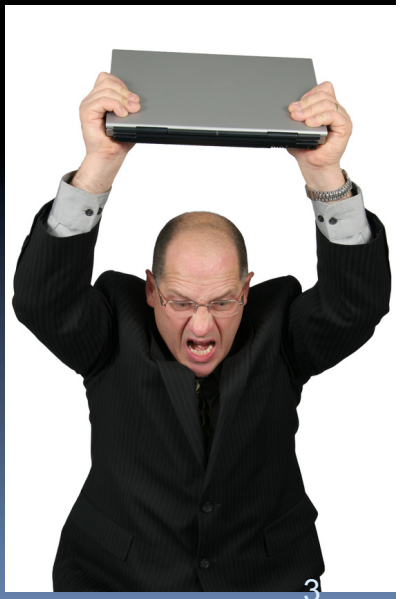
THE DELAWARE LAWYERS ASSISTANCE PROGRAM

Outline

- Power-Point
- Examples/Discussion
- Quiz Show

HELP!

You cannot change them, and often you cannot avoid them. So, how do you deal with difficult clients?



Aggressive, angry, etc……



You know those individuals that may include but are not limited to clients who are: aggressive, angry, weaseling, whining, negative, vengeful, know it all and/or just a difficult client with a difficult case.



QUICK TIPS: TIP #1



Know The Categories of Difficult Clients

a. Angry/hostile
b. Vengeful/with a mission
c. Over-involved/obsessive
d. Dependent
e. Secretive/deceitful/dishonest
f. Depressed
g. Negative
h. Mentally Ill
i. The difficult client with the difficult case
j. The client who is unwilling to accept/follow/ believe any of the lawyer's advice. And when cannot, or will not, admit it promptly or say that they are sorry!



TIP #2



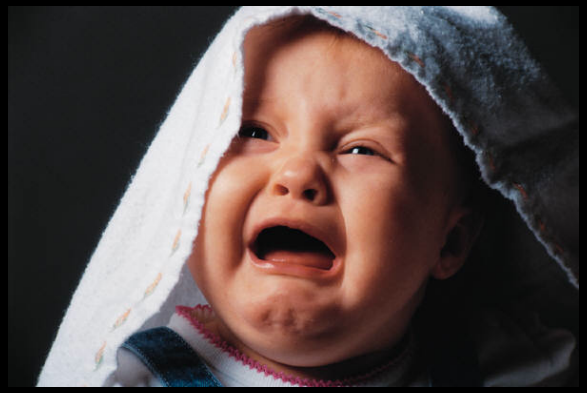
Understand your role as an attorney and choose your cases wisely!

Remember, your job is to analyze the facts and situation then offer a solution to the problem presented.

Ultimately, it is the client's decision as to what solution to take.

AND IT IS YOUR DECISION TO TAKE THE CASE OR NOT TAKE THE CASE. REMEMBER, BE LEARY OF STINKERS!

TIP #3



Don’t Take It Personally and Protect Yourself Throughout

Regardless of how hurtful or frustrating someone may seem to you, don’t take it personally. People act as they do because it’s worked for them in the past – they use their behavior to control a situation or to get what they want because it’s worked with other people before.

On the other hand, document everything you possibly can, including e-mails, telephone calls, voice mail messages. Confirm the client’s instructions to you in writing and confirm your instruction to the client in writing. (You should remember this tip for employees and co-workers too.)

TIP #4:



Be calm, be patient, be clear and find areas of agreement.

Do not let the difficult client turn you into the difficult lawyer.
Above all do not let a difficult client make you an "angry attorney" or an "unhappy attorney", or a stressed out attorney".

In the midst of a heated or uncomfortable exchange with someone, it isn't easy to step back, assess the situation and find areas of agreement. But it is imperative to listen carefully and stay calm.

Plus, if you find you are becoming the difficult lawyer- perhaps it is time to transfer the file to another lawyer or talk to your client about their taking the case elsewhere.



TIP #5



Get some perspective from others.

In all likelihood, your peers, staff and/or friends must have experienced similar situations in some way or another. They will be able to see things from a different angle and offer a different take on the situation. (This tip is great to fight compassion fatigue too.)

TIP #6:



Ignore the trait; not the client.

If you have already tried everything above and the person is still

not being receptive, the best way might be to just ignore the personality; **but not the client nor the client's case.**

BEING A LAWYER

According to the Rules of Professional Conduct an attorney must be fit. The astute attorney, however, understands that fitness means more than just fitness of legal expertise; it means also those qualities of physical, mental and psychological health that enables a lawyer to carry out the demands and the responsibilities to their clients and to their profession.

More specifically, the fit attorney practices law while practicing personal wellness. Wellness leads to a balanced life-style. Data supports that without a balance life-style; lawyers are at high risk to burnout.



MUST BE ALWAYS AT YOUR BEST!



Work



Being a Lawyer, a Father/Mother, a Son/Daughter, a Husband/Wife:











Trying to be perfect!

Increased Technology = Increased Time Pressures

- Line between work and home effectively eliminated
- Constant contact with office
- Office stress never goes away



What's on Your Plate?

(not necessarily you…)



- Long work hours
- Expectations of perfection from self and from others.
- Stressors involving family and others
- Decisions are in the public eye and not always popular or supported
- Isolation
- Not immune to troubles but more barriers to reaching out

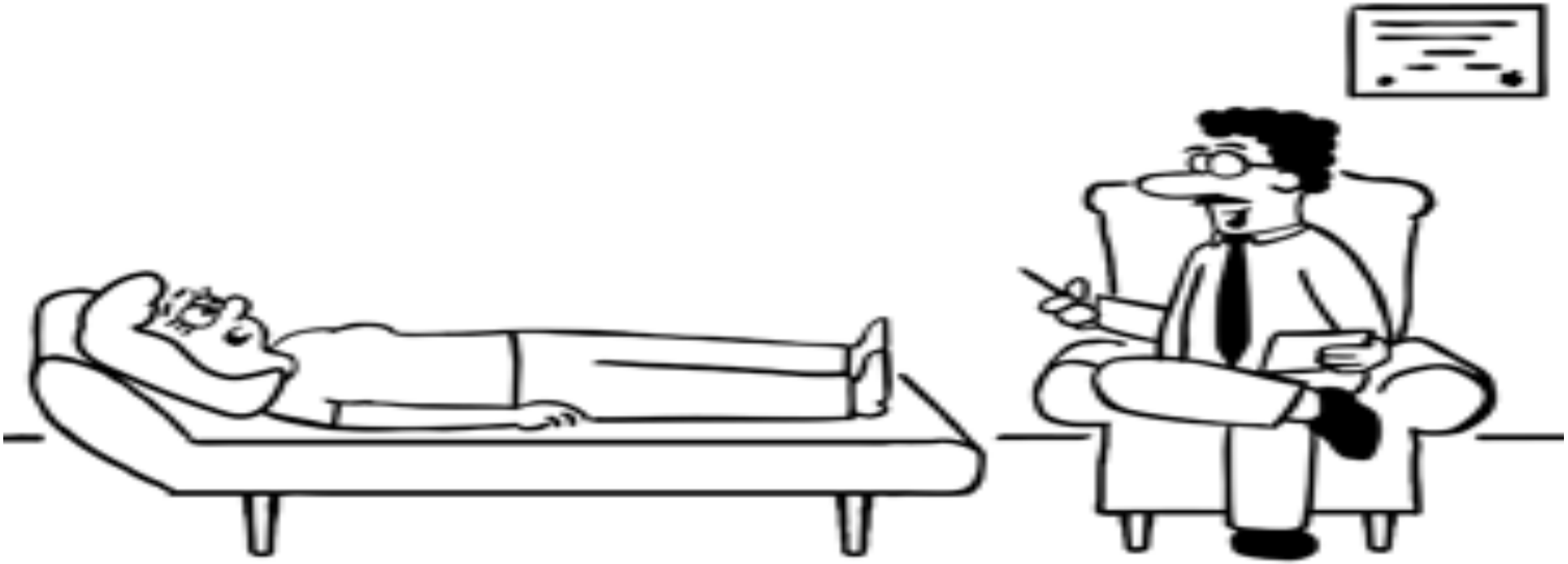
- Source: Judges journal, Vol 47, #2, Spring 2008

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Do you have anything I can take for my stress?

Yes, a class called "101 Other Things You Can Do With A Law Degree".



So change careers or learn: STRESS MANAGEMENT



Toolbox



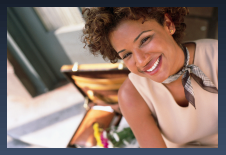
STRESS
MANAGEMENT TIPS

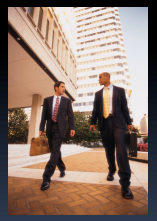
Solution: recharge & prevent burnout

- A stress free life would be boring. Of course, a stressed out life can lead to burnout and worse. Try these suggested stress-relievers to gain more tranquility away from the office……..



Sleep / relax





walk

Eat Healthier / watch Vulnerabilities to alcohol & Other drugs……



Don't Isolate: See your friends….

Prevention Tip #1

*Re-assess your balance of career success versus personal fulfillment. (Sacrificing time with family and rarely having time for interests outside work and the practice of law indicates a potential need for recalibration – prioritizing).
*Make it a point to set goals to better balance work and play.



PREVENTION TIP #2



Don't allow yourself to become isolated.

Get out of the office and the house and make sure you are still genuinely and openly involved with friends and engaged in extra curricular activities and hobbies that are not in any way associated with being a lawyer or practicing law.

PREVENTION TIP #3



Listen to others. Pay attention to signs that perhaps you need to change problematic interpersonal habits and pessimistic thinking.

PREVENTION TIP #4

Beware of the "golden handcuffs" and becoming so entrenched in a high-income lifestyle that it is difficult to scale back billable hours as necessary to make time for a healthy personal life outside the practice of law.



PREVENTION TIP #5

Don't bring your "lawyering" home with you. Being skeptical, judgmental and striving to always be "right" with friends and family can destroy those personal relationships.



Beware of Negative Coping Skills

- AVOIDANCE – chemical use, isolation, postponing decisions, denying the problem
- Fighting battles that cannot be won – focusing on problems beyond our control – also increases feelings of helplessness
- Impulsive behaviors – poorly planned or emotional responses
- One behavior for all problems.





Stu's Views

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Attorneys vs. General Population

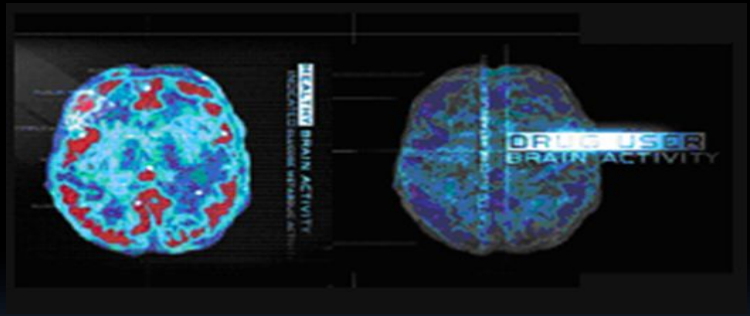
Higher incidence of chemical dependency and psychological impairments (19.7% vs. 10%)

One of the highest suicide rates of any profession

Play Hard: The High Wire Act Without a Net!

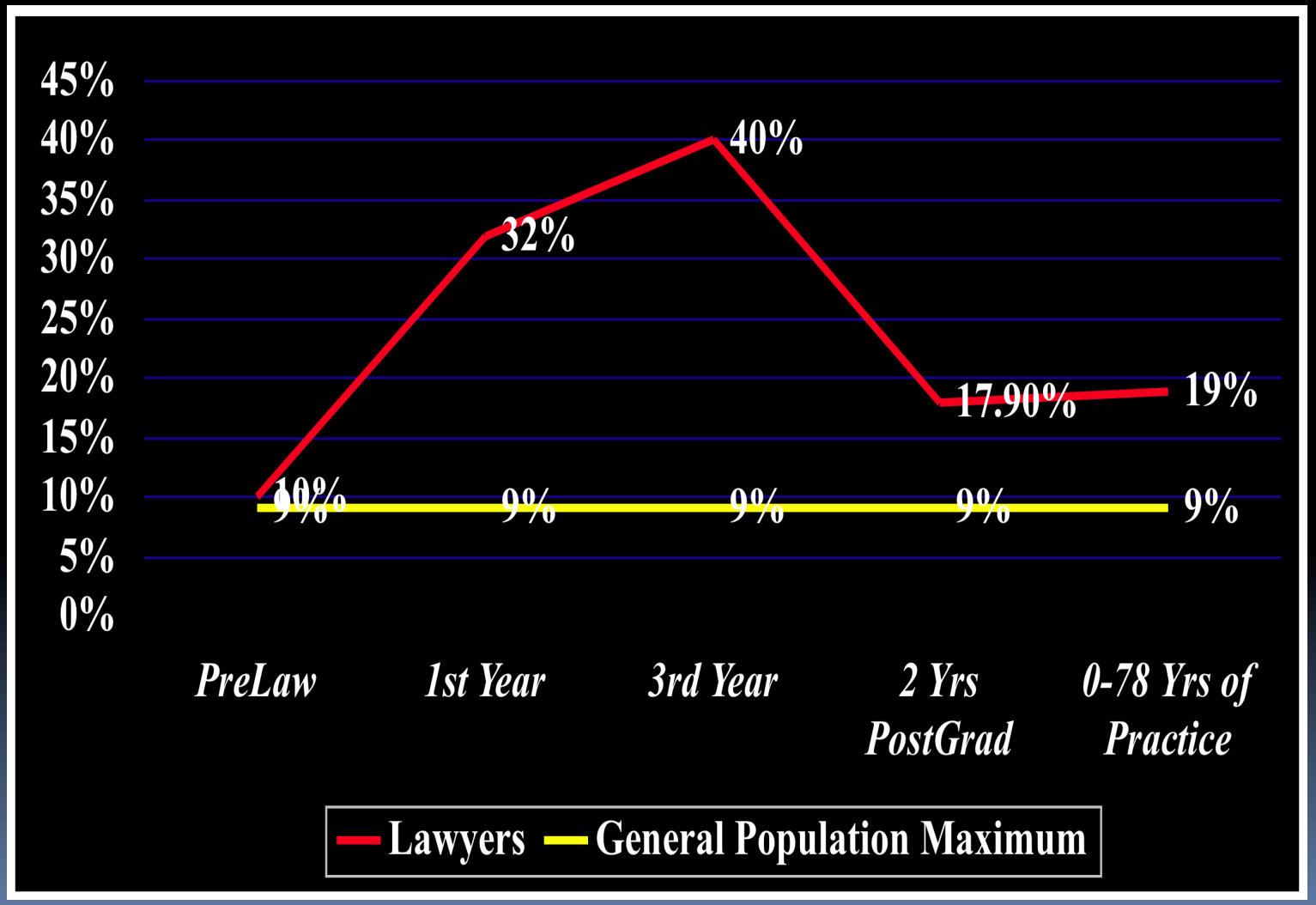
Working in the legal profession while abusing alcohol and/or other drugs is similar to working a high wire act without a net:



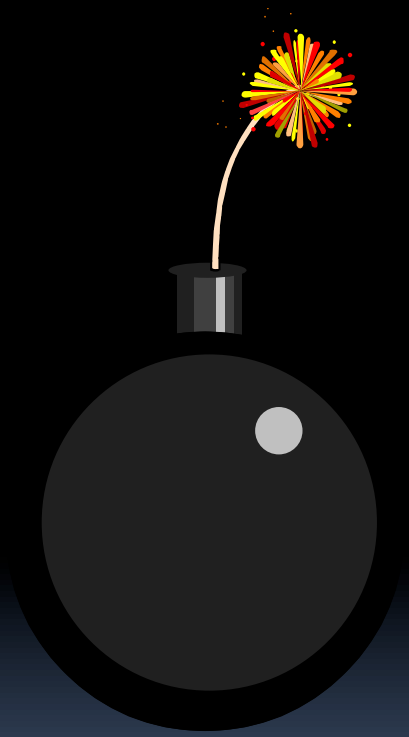




Lawyers vs. Public RE: Depression



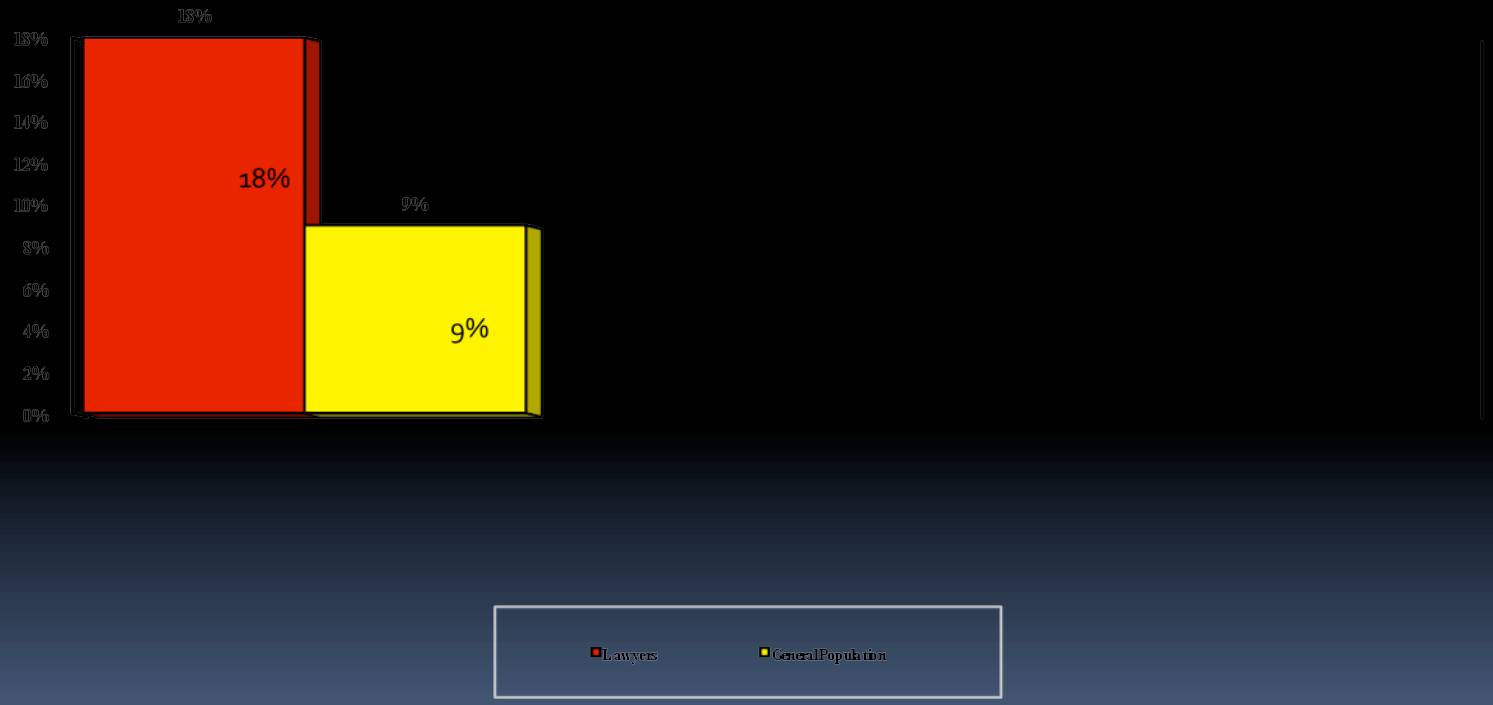
LAP'S REALITY BOMB



- Lawyers are said to be disportionately at risk for problems related to alcohol.
- Reports of lawyer unhappiness and of lawyers leaving the profession have been widely noted.
- Depression, fatigue, "burnout", and substance abuse can, and do, adversely affect the quality of service to clients.

ALCOHOLISM

Percentage of Alcoholic Drinkers



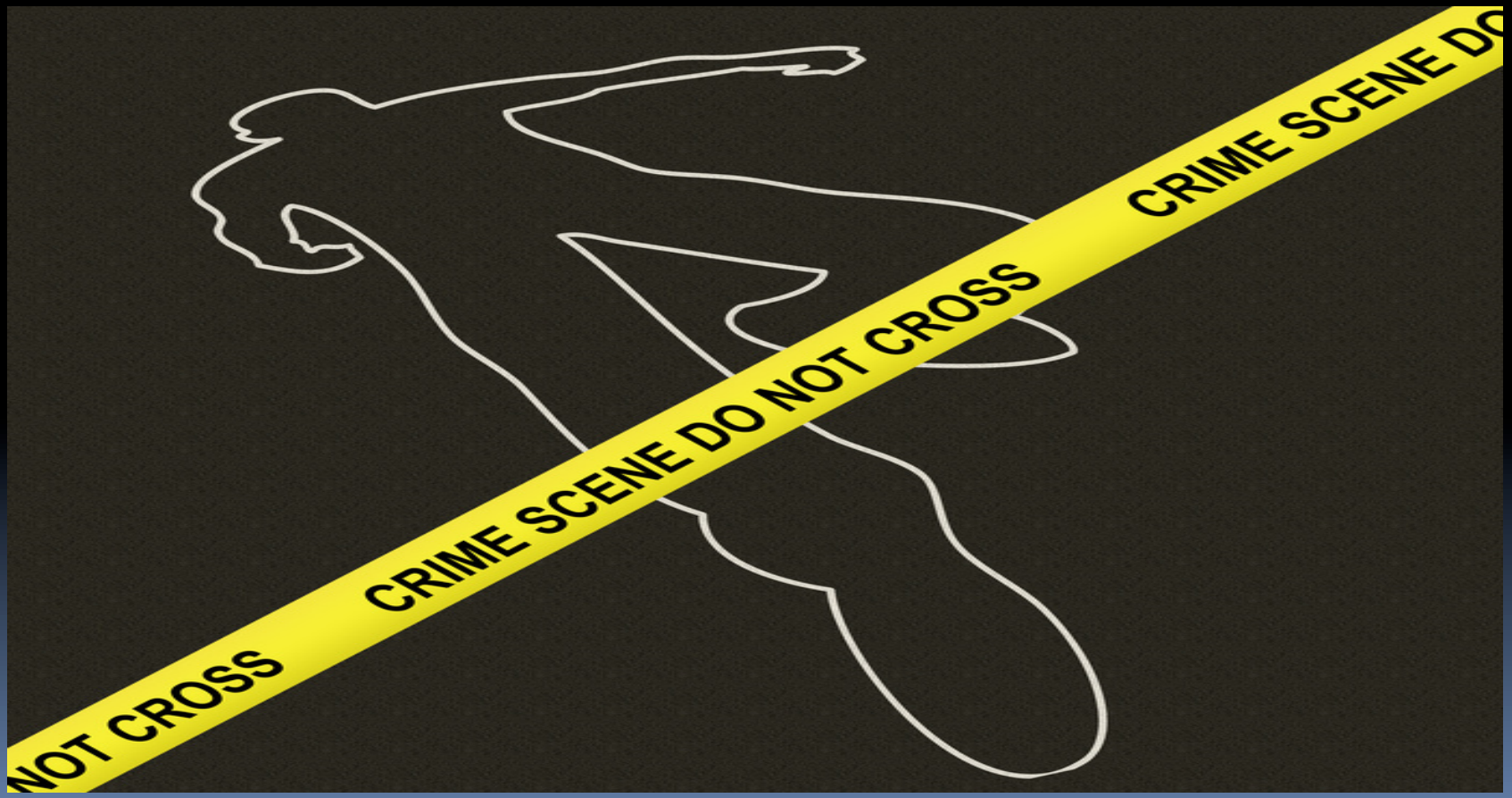
Why Do People Abuse Drugs?

Drugs of Abuse Engage *Motivation* and *Pleasure Pathways of the Brain*

To Chill-out, relax,& forget



HOW NOT TO IMPLODE



REMEMBER: The 3 C's:

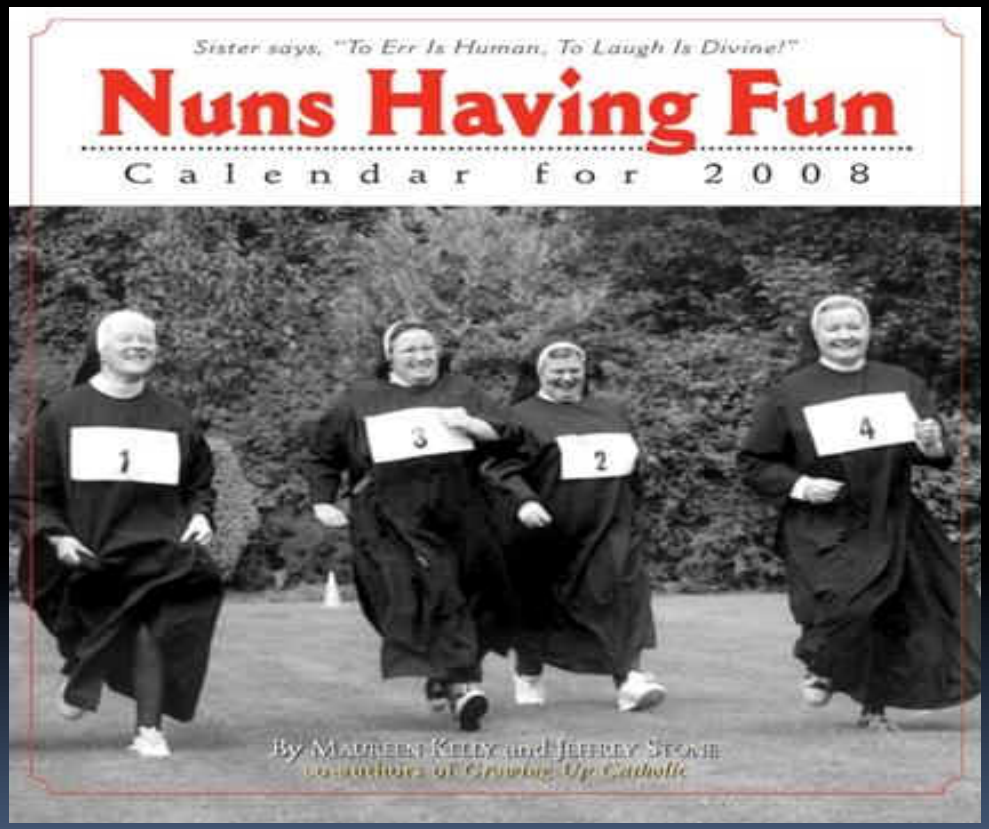
Choose not to Drink & Drive

Choose not to Binge

Carry the message not the body.



CHANGE NEGATIVE HABITS & LAUGH



How To Be A Happy Lawyer:



Take Time To Think: It is the source of power.
Take Time To Play: It is the secret of perpetual youth.
Take Time To Read: It is the fountain of wisdom
Take Time To Pray: It is the greatest power on earth.
Take Time To Love and Beloved: It is a privilege.
Take Time To Be Friendly: It is the road to happiness.
Take Time To Laugh: It is the music of the soul.
Take Time To Give: It is too short a day to be selfish.
Take Time To Work: It is the price of success.
And remember: Life is a long and bumpy road. We each carry our troubles, like a heavy load. There are many hard turns and some dead ends, but whenever we are stuck – we must try and try again.

Remember too, it is all about progress not perfection! Furthermore, balance for anyone, even lawyers, is possible.

The 20 Golden Rules
Or How Not To Be A Difficult Attorney



1. Behave yourself
2. Answer the phone and e-mails
3. Return your phone calls and e-mails
4. Pay your bills
5. Keep your hands off your clients' money
6. Tell the truth
7. Admit ignorance
8. Be honorable
9. Defend the honor of your fellow attorneys
10. Be gracious and thoughtful
11. Value the time of your fellow attorneys
12. Give straight answers
13. Avoid the need to go to court
14. Think first
15. Define your goals: Remember you are first a professional, then a businessman.
16. If you seek riches become a businessman and hire an attorney.
17. Remember – there is no such thing as billing 3,000 hours a year
18. Tell your clients how to behave – if they can't, they don't deserve you as their attorney
19. Solve problems – don't become one
20. Have ideals you believe in and don't do anything that you wouldn't be proud to tell your mother about!

(The 20 Golden Rules/Florida Lawyer's Assistance Program

WHY DE-LAP?

1. Mission: (A) to protect clients from impaired lawyers and judges
   (B) to help lawyers and judges get treatment for alcoholism, drug addiction, and other mental health problems including, but not limited to, organizational/wellness coaching for transition.
   (C) to educate the legal community about these issues.

2. Confidentiality: (A) Confidentiality is the cornerstone of DE-LAP
   (B) There is never any reporting and only demographic information is made public.
   (C) Confidentiality guaranteed by Rule 8.3 of Rules of Professional Conduct.

Go to www.de-lap.org for other resources or call/e-mail:

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