

The Last WORD

By Edward J. Walters, Jr.

IPSE DIXIT: THE DIFFICULT CLIENT

All Clients Are Difficult

There ARE no easy clients. ALL clients are difficult. Just recognize that from the get-go. Have you ever heard a lawyer, at the conclusion of a matter, say, "Well, that sure was easy"? There's always a problem. The facts. The law. The client. Opposing counsel. The court. Something. Recognize this going in and you will expect it. You may not see it at the beginning, but it's coming. Be ready.

Try to Represent Clients You Like

You may have no choice, of course, but it is difficult to deliver high-quality legal services to a client you don't like. You may have to do it, but it's not easy. Practicing law the right way, and with enthusiasm, is hard enough. As a lawyer, you owe allegiance to your clients, but you will not do good work very long for a client you do not like.

If you don't like the client on Day One, and if you have a choice, don't represent that client. Some people just make the hair stand up on the back of your neck. Avoid them if you can. Don't represent them for a little while to see how it goes. It won't go well.

Remember: The Client Is the Reason

The client is the reason you have a job. Make sure everyone around you knows that the client is the reason we are here. If we all remember that, the work is better. When the lawyers and the staff are pulling in the same direction for the client, morale is good.

Remember, we get many of our clients because of prior client word-of-mouth. We want them to say good things about their lawyer, their law firm and our system of justice.

You Are the Professional

Just because your client wants you to do something doesn't mean you HAVE to do it. Some clients want a "tough lawyer" or a "bulldog." Some clients want to dictate what you do. It's a difficult position to be in, but YOU are the professional. YOU have standards of conduct to live up to. YOU have ethics rules and a Code of Professionalism. YOUR license is on the line, not the client's.

Be Realistic About the Case

The case usually looks its best on Day One. It's all downhill from there. Investigate the case to see what it really is. Be realistic about the merits of the case and make your feelings known to the client so that the client can be realistic about the case.

Don't promise an unrealistic result at the beginning to convince the client to hire you. The facts usually change after discovery and that wonderful case you told your client about may turn sour.

Underpromise and overdeliver.

Communicate More Than Usual

Difficult clients are ALWAYS "high maintenance." They are sorry they are in this situation and they are skeptical and distrustful of everything — you, the other side, the judge. They don't understand our system and interpret silence as something sinister going on.

Overcommunicate with the difficult clients. Bombard them with information. It's easier now with email and text messages. Just do it. Let them know what's happening . . . even if NOTHING is happening. Just the communication gives them some comfort that nothing bad is happening.

Know Your Clients

In order to properly represent your clients, you need to know their issues. What do they want? Why? What do they expect? Why? What do they really need? Why? What can you deliver? Know this from the beginning or find out as soon as possible. Can you deliver what the client expects? Can anyone deliver what the client expects?

Have you told them? Be sure that both you and your client have realistic expectations.

Be Accurate, Thorough and Timely

When you communicate with your clients, be sure to tell them the truth. Tell them early and tell them often. As the case progresses, explain what is happening and why.

Don't wait until trial to tell them there are problems. Don't wait until a mediation to tell them that their case is not as good as you told them it was on Day One. Remember, cases are not like fine wine — they usually don't get better with age.

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