

MENTORMATCH PROGRAM
WORKSHEET EE
INTRODUCTION TO DIFFICULT CLIENTS

Worksheet EE is intended to facilitate a discussion about how to deal with “difficult” clients.

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- Discuss why lawyers should be concerned about difficult clients.
- Share with the new lawyer an example of a difficult client you had, how you handled him or her, how the difficult relationship affected the representation, what you might have done differently, etc.
- Identify characteristics of difficult clients of which the new lawyer should be aware at the earliest contacts with the potential client, as well as how to factor that into accepting the potential representation.
- Identify client behaviors that occur during representation which indicate your client is angry or dissatisfied. Provide suggestions of the best and most professional ways to address the client and handle their anger.
- Discuss the importance of talking to a client as early as possible about realistic expectations of the representation, the scope of the representation, and the fee arrangement. Explain how discussing these (and other) issues can help to prevent misunderstandings and disagreement in your attorney-client relationship. See Rules of Prof. Cond. 1.2.
- Review and discuss the following article” *Dealing With Difficult Clients, Difficult Lawyers and Difficult Judges* By: Nancy Zalusky Berg Walling, Berg & Debele, P.A <http://www.wbdlaw.com/CM/Articles/DealingwithDifficultClients.pdf> or the article *Dealing With Difficult Clients* by Carole Curtis, B.A., LL.B. **Law Practice Today** April 2005 <http://www.abanet.org/lpm/lpt/articles/mgt04054.html>

RESOURCES

Review and discuss the chapter, *Handling a Difficult Client without Losing the Client or the Case*, from NOELLE C. NELSON, *CONNECTING WITH YOUR CLIENT* at 69-87 (1996). This book can be purchased at http://www.noellenelson.com/Book_CONNECTING_WITH_YOUR_CLIENT.cfm

Indiana Rules of Professional Conduct

Client-Lawyer Relationship

Rule 1.2: Scope of Representation and Allocation of Authority Between Client and Lawyer

(c) A lawyer may limit the scope and objectives of the representation if the limitation is *reasonable* under the circumstances and the client gives informed consent.

Comment

Agreements Limiting Scope of Representation

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[6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant, unethical, or imprudent.

[7] Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

[8] All agreements concerning a lawyer's representation of a client must accord with the Rules of Professional Conduct and other law. See, e.g., Rules 1.1, 1.8 and 5.6.

View complete rule and comment at
http://www.in.gov/judiciary/rules/prof_cond/