

Careful screening helps elude clients from 'hell'

Most lawyers enjoy working with their clients. The cases and matters are interesting. Expectations are clear, and invoices get paid. Lawyers know that most of their revenues will come from their best clients, and they focus on strengthening the relationships that they have with these "heavenly" individuals.

On the flip side, almost every lawyer has experienced the "client from hell."

At best, this client is difficult for you and your staff to work with — assaulting your dignity, distracting you from other clients and depleting the pride and pleasure you take in your work. At worst, your relationship with a hellish client can disintegrate into fee disputes, bar complaints and allegations of malpractice.

The best way to avoid this unpleasant experience is to take a proactive approach and carefully screen both clients and cases before you accept them. Better to reject a hellish client or case up front rather than accept the client or case and suffer from the inevitable — and seemingly interminable — financial and emotional costs.

Problem clients can be identified by certain personality and character traits. Prior to the intake interview, be sure to Google any potential client to find out what you can. During the itself, watch for these red flags:

- The potential client who claims to be a victim while demonizing the opponent (in this client's mind, you could easily become the next "demon");
- The potential client who has unrealistic expectations regarding

CLIENT RELATIONS



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outcome;

- The potential client who seems like a zealot (acting excitable and demonstrative, claiming motivation by the "principle of the thing" and not the money); and/or

- The potential client who refuses to be objective and is certain that his or her version is the only "truth."

In order to prevent future disagreements, fee arrangements should always be discussed in detail during the intake interview. During this process, watch out for these red flags:

- The potential client who aggressively seeks to renegotiate or rewrite your standard fee agreement or engagement letter (including the way you will charge them);
- The potential client who wants fees covered by another person (including a limited coverage prepaid legal insurance program) or the opponent;
- The potential client who resists signing the fee arrangement (asking "Can't we just trust each other?").

In addition, lawyers should rely and act on their "gut feelings" when interviewing potential clients. If you have an uncomfortable feeling — even if you cannot put a finger on exactly why — just let the client go. This can be very difficult to do when you are trying to build a book

of business, but it is worth it.

During the intake interview, lawyers should also examine the nature of the case. Certain cases are more likely to be associated with client dissatisfaction and fee disputes than others. Watch out for these red flags:

- A case that involves a boundary complaint, a harassment/nuisance complaint or a slander/defamation complaint;
- A case (with complicated facts) that involves a collection action;
- A case that involves a significant personality clash between the parties;
- A case that rides largely or totally on the credibility of the client.

In addition, where you are not able to assess damages up front, a client's vociferous assurance that the potential damages are huge and provable is another red flag indicating that the case should be avoided. When a client's expectations are this high, it is unlikely that any lawyer (charging either hourly or on a contingency basis) can meet them — which will lead to an eventual fee dispute.

Never accept a "red flag" or "gut feeling" individual as a paying client simply because you believe in the cause that is involved. If you want to take the case pro bono, fine. But do not expect the case to go smoothly, and do not expect to get paid.

A lawyer who ignores these red flags will be hopelessly saddled with a client whose personality and tactics will interfere with his or her practice of law, personal life and peace of mind. These tactics will include:

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- Telling you what to do, and when to do it;
- Reacting emotionally when this does not happen;
- Harassing your staff;
- Calling on the phone and dropping in at the office as often as daily and without making an appointment;
- Sending frequent, emotional e-mails;

• Criticizing work product, challenging hours, seeking discounts, delaying payment and then objecting to interest charges on delayed payments.

At this point, you will fervently wish that you had never met this client or heard of his or her case. Firing a client (or being fired by a client) once work has begun can be a costly and litigious process. Careful screening helps lawyers and law firms accept and do good work for heavenly clients and cases.

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