DEALING WITH THE DIFFICULT CLIENT

How often does this happen to you?

1. Your client, after six months, is still raging in your office about his spouse/employer/girlfriend/doctor;

2. Your client still believes that her husband will leave his girlfriend and return to his devoted, loving wife and children, despite his not returning for over one year;

3. Your client keeps suggesting that you make offers of settlement that are great for your client, but are terrible for the opposing side, then argues when the offers are rejected; and/or

4. Your client is upset when he comes to see you. You are understanding, but as time goes by, your client remains upset, worried, and sad. You have suggested counseling a number of times, but he takes no action.

Welcome to dealing with the difficult client. As family lawyers, we see cases like the above many times in our practice. Attorneys who practice in other areas of law see it, too. What is going on here? Is it just the stress of litigation?

Yes and no. Lawsuits deal with relationships, whether with a person, a company, or a hospital. In her ground-breaking book, On Death and Dying, Elisabeth Kübler-Ross described the Five Stages of Grief: Denial, Anger, Bargaining, Depression, and Acceptance. These stages of grief apply not only to an actual death, but can also be applied to any kind of relationship breakup or “death.” Do the examples above sound familiar? It’s our job to help our clients get to Stage 5, Acceptance: where the client is less emotionally involved and more objective about the outcome.

Unfortunately, we cannot diagnose and we certainly are not trained in law school to deal with such individuals. However, let’s look at some real-life examples of these various stages when exhibited in an unhealthy manner and some ways that we can help our clients successfully navigate toward acceptance.

In family law, it is quite common to see clients who are in denial. A victim of domestic abuse who blames herself for the abuse is a prime example; however, domestic violence does not have to be an issue for a client to be in denial when dealing with the “death” of a relationship. No matter what the individual’s situation, the attorney can help by showing support and suggesting therapeutic assistance.

Remember, this is a relationship. As attorneys, we need to provide our clients the skills and confidence necessary to help move them out of the denial stage.

What can you do with the angry client? In our practice, we had a wife who took a pistol to her husband’s just-purchased plasma TV. We had another client who was going through a divorce and posted signs in his wife’s neighborhood that pointed, “Whorehouse this way.” Trying to help a client rein in that anger can be difficult.

What we may want to do with these individuals is throw them out of our office, muzzle them, or set off a fire alarm. We often feel helpless when we are faced with such a primitive display of rage.

First, we must get hold of our own feelings. It’s natural to be upset with an angry client’s behavior, but to take it personally and scream back at the client or otherwise engage in the client’s anger is not helpful to the situation. We must realize that the angry client is not at his or her best and wants, on some level, for us to recognize what the client is feeling. Remember, if you’re feeling helpless and out of control, your client is feeling more helpless and more out of control. If you can, find some compassion with that client. Acknowledge how hurt, angry, and helpless that person feels and that the individual’s anger is understandable, but that acting on it is not in the client’s best interest. It is important, in these situations, to take a deep breath and try to redirect the client back to the issue of resolving his/her legal matter.

The bargaining client, another type of difficult client, can drive an attorney to distraction. He complains about the other side’s offers, makes private offers without informing his counsel, turns down reasonable offers of settlement, and/or insists that his attorney make offers that will never be accepted. These individuals crave control. Early in the relationship, smart attorneys start impressing upon the client that the attorney is the one in control. There is a reason why we have been retained, and we must help the client recognize our training and experience so that they will allow us to steer them in the right direction. In dealing with this type of client, we must lean on our experience and authority.

Dealing with a very depressed client can be exhaustive for the attorney. Nothing is good enough, nothing will work, the client will never have enough money, and his/her life is over. No matter what the attorney manages to get for this client, the client remains miserable. When, as attorneys, we feel that whatever empathy we offer is not enough, we are likely dealing with a very depressed client. The client may need to be in therapy. As the client’s attorney, we need to use our intuition and experience to determine if this is a normal course of conduct or something that needs to be addressed therapeutically.

What we all hope for is the last stage acceptance, where the client accepts the experience he has undergone and looks forward to his future. With the right kind of assistance from his/her attorney, the client is able and ready to move forward.

Sometimes, individual clients present issues that cannot be successfully addressed by his or her attorney. These individuals need help from a psychological professional and sometimes medication to conquer the negative aspects of the stages above. We would suggest being forthcoming in your suggestions for counseling and, if the client is already in treatment, to get a release from your client so that you may speak with the counselor or therapist.