

Steering through the storm: Practical tips for dealing with difficult clients

Risk Management Topic:

General Practice



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Most solicitors will encounter a difficult client (or more) in their careers.

This is the type of client who may:

- Frequently complain – whether about fees or matters arising from the retainer
- Ignore legal advice or have unrealistic expectations
- Be rude or unpleasant to deal with
- Not provide accurate or complete instructions and/or
- Be unresponsive.

Dealing with a difficult client is not just stressful, it can also be time consuming and a drain on resources. In fact, solicitors are much more likely to be the subject of a professional negligence claim if they are dealing with a difficult client.

To minimise the risk that comes with difficult clients, and to balance the client's needs with the solicitor's overarching duty to the court and the administration of justice, solicitors need to recognise difficulties and adequately manage them from the outset.

1.

Identify and set clear expectations

From the beginning, establish the scope of the work, fees, professional boundaries, communication protocols, any timelines and client responsibilities. Ask the client what they expect from you and outline what you expect from them. This provides the opportunity to address any disparity between client expectations and deliverable outcomes.

A clear letter of engagement and well drafted costs agreement can prevent misunderstandings and provide a reference point if issues arise later. Make sure these letters are regularly reviewed and updated when required.

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2.

Provide clear advice in writing

Use plain language to avoid misunderstandings.

3.

Keep records of all communications

Take clear and contemporaneous file notes of interactions. This information is a solicitor's best defence should a dispute arise.

4.

Maintain professional boundaries

Difficult clients may attempt contact after hours, demand immediate responses or seek emotional support. It is important to remain empathetic but firm. Set clear boundaries and stick to them.

5.

Know when to part ways

A solicitor may terminate a retainer, including where:

- There is a serious breakdown in trust
- The client fails to follow advice or act in good faith
- Payment terms are breached; or
- Continued representation would result in unethical conduct.

In these situations, "reasonable notice" must be provided to ensure the client's interests are not prejudiced and there is a smooth transition.

6.

Use a support network

Seek guidance from a supervisor, colleague or mentor or from Lawcover or the Law Society. A second opinion can offer an impartial perspective which can help in decision making or managing the situation more effectively.

It is important to note that if a claim or complaint is made, these strategies may also assist the solicitor to adequately defend that claim or complaint.