

Misdemeanors A to Z

Working with Challenging Clients

2009 SPD Annual Conference

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Have you met me?

The Bully

- Tells you what to do
- Demands special treatment/attention
- Threatens to fire you



The Apathetic One

- Wants case to be your problem
- Wants you to resolve the case yourself
- Doesn't follow through
- Doesn't show up



The One with Unrealistic Expectations

- Wants you to make everything go away
- “Just get everything dismissed”
- Doesn't want to hear anything negative



The Disrespectful One

- Calls you a “public pretender”
- Tells you he’s going to hire a “real lawyer”
- Degrades your performance to the court



The Emotional/Anxious One

- Dramatic
- Terrified of consequences
- Calls daily
- Needs constant reassurance
- Cries through interviews



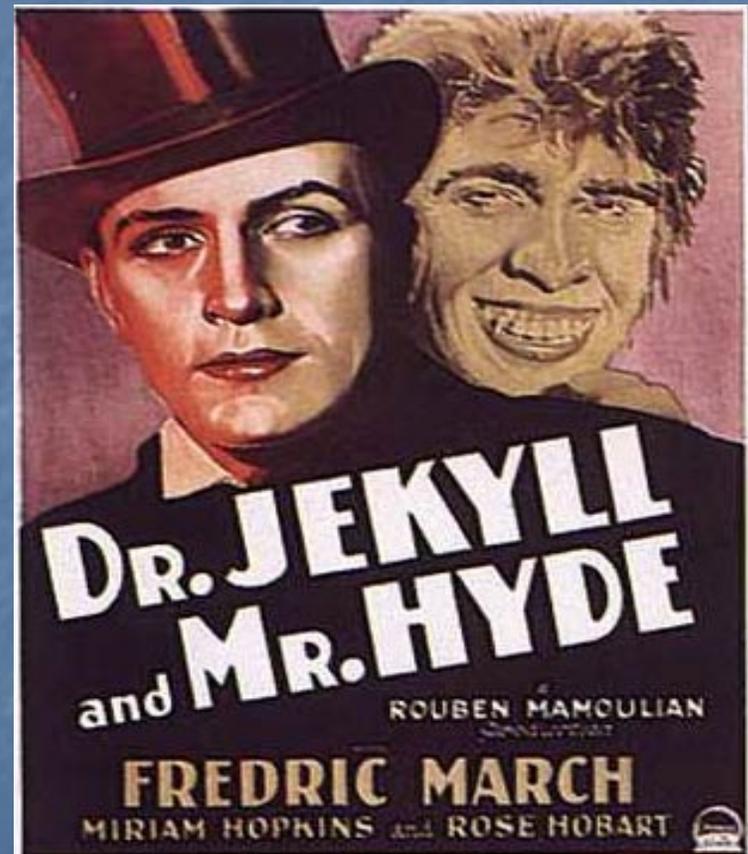
The Addict

- Can't focus
- Can't process information
- Can't follow through on directions
- No interest in what's happening in their case



The Borderline Personality

- Alternately charming then angry and abusive
- Intelligent, argumentative and challenging
- “May form an immediate attachment and idealize the other person, but when a slight separation or conflict occurs, they switch unexpectedly to the other extreme.”



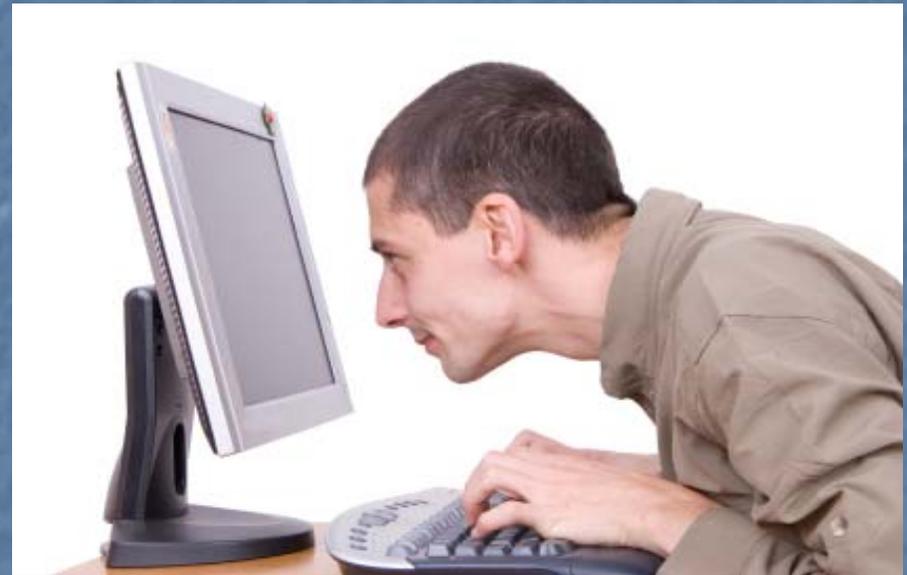
The Micromanager

- Calls daily for updates
- Expects a call back immediately
- Demands excessive amounts of time
- Behaves as though he/she is your only client

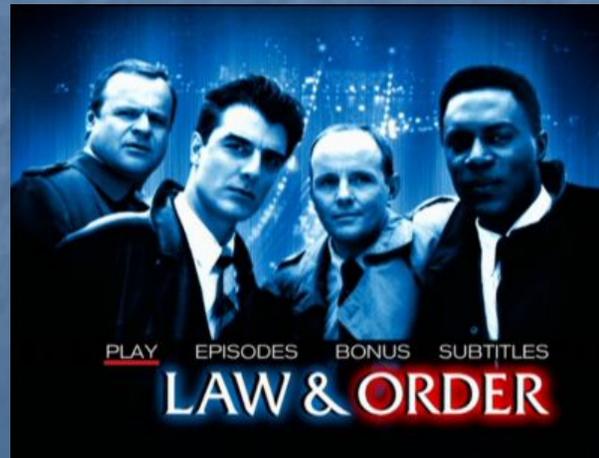
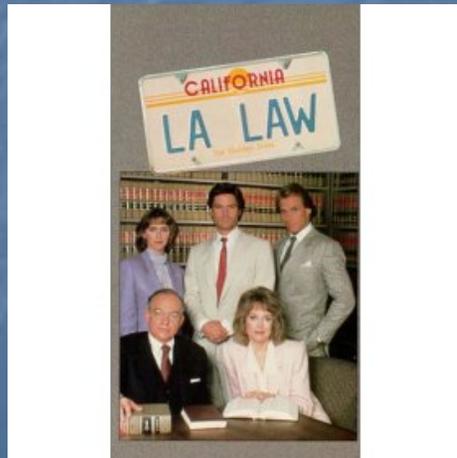
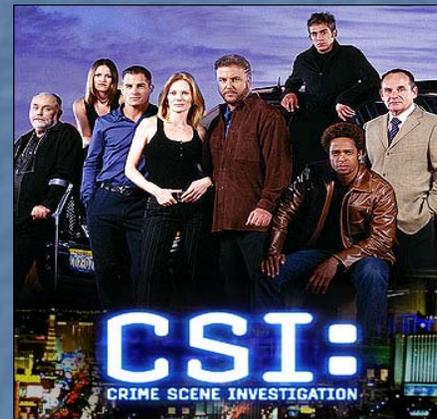
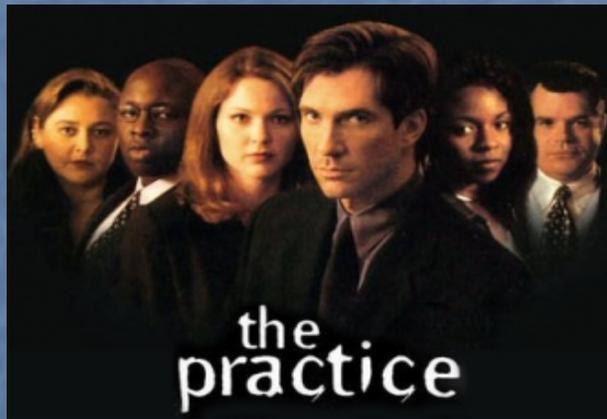


The Internet Addict

- Searches the internet for the answer they want until they find it
- Wants to control their outcome with information



The Television Expert



The One with Another Lawyer

- Another lawyer told him that his case should:
 - never have been charged
 - be dismissed
 - be won at trial



The One with the Family

- Family presents challenging behavior
- Demanding
- Unrealistic
- Enabling
- Overprotective
- In conflict with client



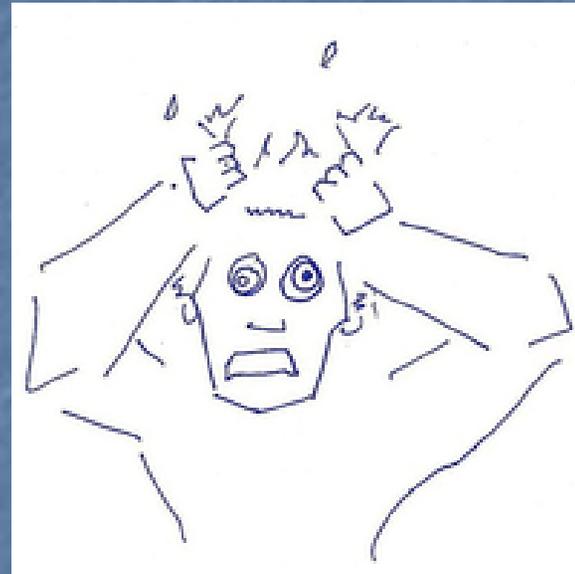
Other Disabilities

- Mental Health
- Physical Limitations
- Cognitive Limitations
- Competency Problems



How the client presents to you

- Controlling
- Disrespectful
- Uncooperative
- Exhausting
- Unpredictable
- Oppositional
- Apathetic



Common Explanations for Challenging Behavior

- Lack of control
- Low self esteem
- Hopeless
- Anxious
- Addicted
- Mentally Ill
- Overwhelmed
- Distrustful
- Low cognitive ability
- Emotional
- Fearful
- Embarrassed

All exacerbated by the fact
that they didn't

- a) Choose you
- b) Pay You

First Step:
Diagnosing the Problem

Challenging clients won't tell you their:

- Fears
- Suspicions
- Prejudices
- Limitations

Solution?

Get to know your client
not just the case.

6 Things You Can Do

- Take Responsibility
- Develop Empathy
- Stay Objective
- Improve Communication
- Provide Information
- Give Choices

1. Take responsibility.

You are the most significant
deciding factor in how the
relationship will go

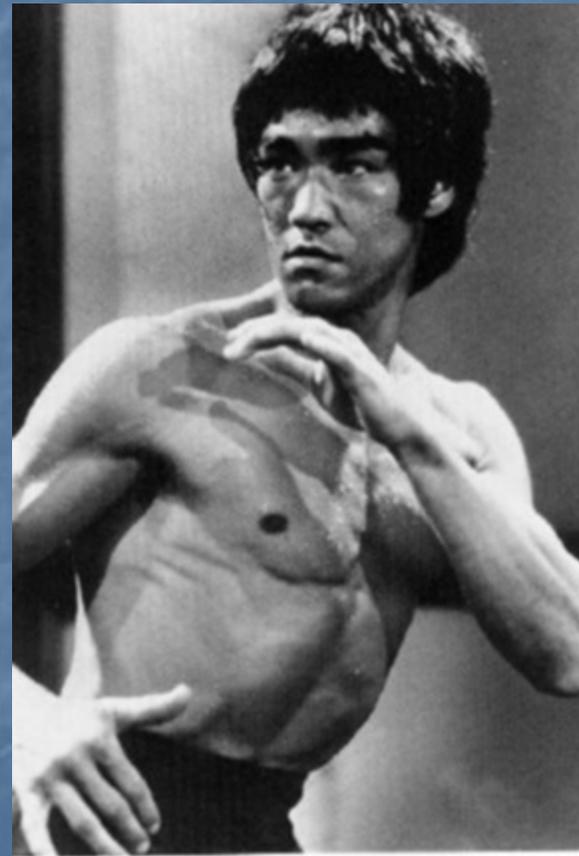
2. Develop Empathy



Empathy

- Identification with and understanding of another's situation, feelings, and motives.
- Often characterized as the ability to "put oneself into another's shoes."
- Empathy does not necessarily imply compassion, sympathy, or empathic concern because this capacity can be present in context of cruel behavior.

Social Worker vs. Warrior



3. Stay Objective

- Recognize your own issues and limits
- Don't ride the client roller coaster
- Don't take things personally
- Always show respect, even when behavior doesn't merit it.
- Keep appropriate boundaries
- Keep your own negative expectations in check

4. Improve Communication

- Set aside time
- Put things in writing
- Focus and direct conversation
- Acknowledge and name feelings
- Build Rapport
- Avoid confrontation
- Accept challenging behavior as normal
- Be aware of your own non-verbal cues
- Be honest and direct

5. Provide Information

- Copy discovery for client
- View videos and photos with client
- Encourage letters
- Hand out general information sheets
- Define your job for the client
- Explain clearly what they are and are not entitled to

6. Give Choices

- Clients often control you because you are the one thing they can control
- Be clear about choices. Put them in writing
- Don't underestimate client's ability
- Don't feel pressure to agree with their choices
- Involve them and keep them responsible for case direction
- Let them know they can get a second opinion and you won't take it personally



- Feeling you need to sell yourself and your abilities
- Imposing your will
- Expecting respect and trust immediately
- Disengaging
- Being defensive
- Appearing too casual
- Taking on a GAL role

The Bully

- Don't take it personally
- Set boundaries
- Clarify roles/entitlements
- Give choices
- Name feelings
- Allow do-overs

The Apathetic One

- Define limits of your role
- Encourage decision making by client
- Clearly explain expectations
- Look for clues to source of apathy

The One with Unrealistic Expectations

- Encourage a second opinion
- Consider whether they are right
- Take away fear of responsibility
- Use third party examples

The Disrespectful One

- Take comments in stride
- Emphasize choice
- Avoid selling yourself

The Emotional One

- Name feelings
- Focus and direct the conversation
- Consider underlying sources of emotion
- Be concrete
- Break down information into "need to know"
- Set aside time to talk when emotional volume is down

The Addict

- Delay conversations and decisions if they are still high, drunk or newly sober
- Re-approach at a later date
- Refer to services
- Don't be a GAL
- Put everything in writing
- Respect their decisions

The Borderline Personality

- Stay objective
- Keep firm boundaries
- Put everything in writing
- Give choice and control
- Pick your battles
- Expect to be the focus of energy

Micromanager

- Set boundaries
- Set limits on calls and meetings
- Give deadlines and dates
- Put things in writing
- Give information

The Internet Addict/TV Enthusiast

- Redirect to relevant information
- Give choices
- Give information

The One with Another Lawyer

- Encourage Second Opinions
- Let them know you don't guarantee results
- Emphasize choices

The One with the Family

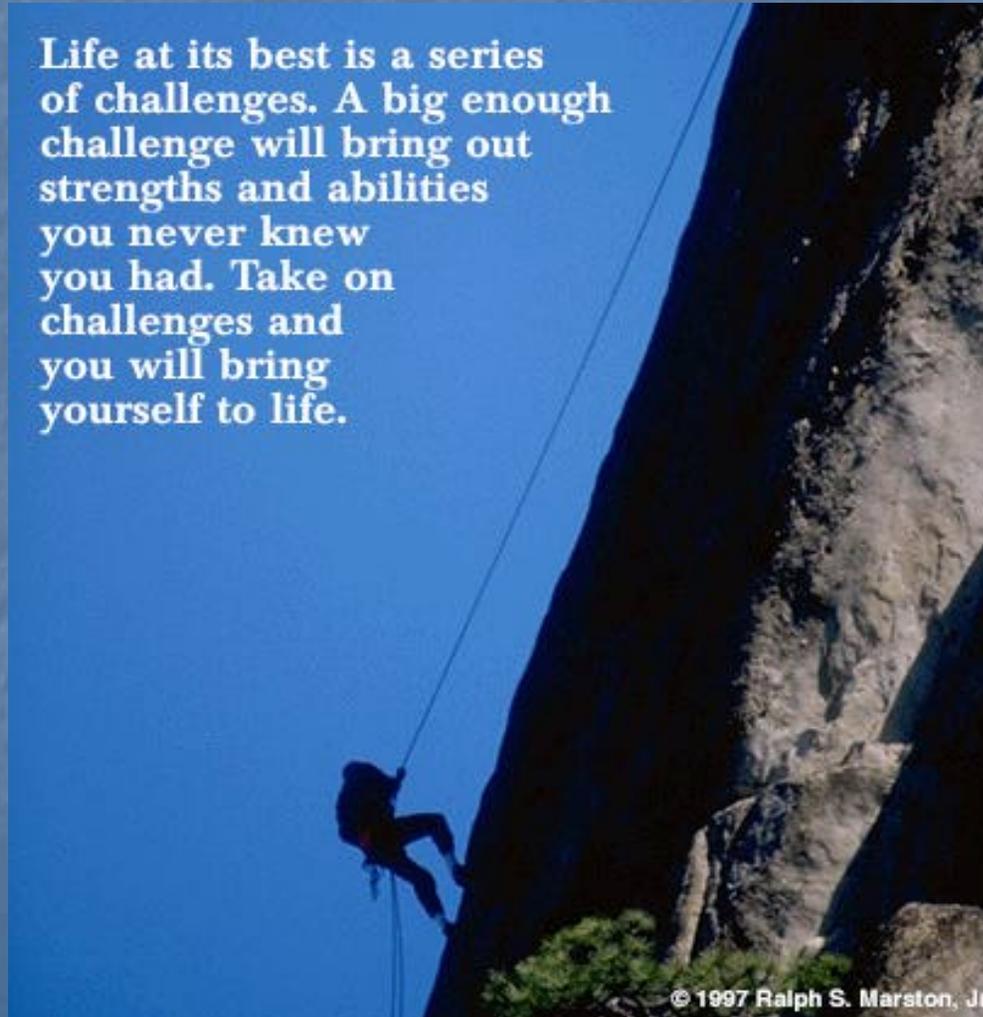
- Set boundaries
- Clarify and emphasize attorney/client relationship
- Encourage family to communicate with client
- Give do-overs
- Explain attorney role vs. family role

Disabilities

- Be aware of limitations and frustrations
- Encourage client to ask for necessary accommodations
- Refer to services
- Be aware of effects of pain

You will often learn more from your worst client than you will from your best.

Life at its best is a series of challenges. A big enough challenge will bring out strengths and abilities you never knew you had. Take on challenges and you will bring yourself to life.



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