



Housing Practice Tip (09.28.2021)

What to Do When Clients Stop Responding

VLN staff are frequently asked what to do when a client stops responding to phone calls and/or emails. While it may be hard to understand why a client would stop responding to an attorney who is providing free legal services to them, at the same time, we need to remember that many of our clients are living on the edge with a lot of stress in their lives. Along with lack of stable housing, our clients are also probably dealing with kids, work, health and transportation issues, maybe even domestic violence and substance abuse, just to name a few. Our clients have likely learned to survive by developing a complex balancing act of choosing which personal issues need to be dealt with and when. It may be just too much for our clients to deal with this legal issue at this time.

So, while it may be hard for us to understand why a phone call or email is hard to return, we need to respect our clients' capacity and at the same time set appropriate expectations and boundaries. Below are guidelines that VLN Housing Program staff recommend. We do, however, understand and respect that each of you are individual practitioners and may have developed your own guidelines for how to handle non-responsive clients. These guidelines are just that: guidelines. Please use them to the extent they are helpful to you.

What to do when a client stops responding to phone calls and emails:

Proactively – at the first meeting:

- Make sure you understand your client's communication preferences/issues:
 - How does your client prefer to be communicated with? Phone or email? Is there a time of day when a client is more likely to be available or unavailable? Is your client's cell phone reliable? Does the client use their voicemail? Is there a back-up number or email you can use if your client stops responding?
- What are your expectations for timely responses to communication?
 - Point out the section in the representation agreement which states the expectation that the client will stay in contact with you.
 - If you wish, you can set a general guideline (respond to phone messages and email within 24 hours if possible, 3-days at the latest, for example).
- Discuss what will happen if the client does not provide a timely response to communications.
 - Under what circumstances will you withdraw? What type of warning will you send and how long with the client have to respond? Will you try an alternative number? Send a letter?

After the client has stopped responding:

- Attempt to communicate with your client at least 2-3 times before assuming they are unresponsive.
- After you consider them unresponsive, send a “kind but firm” warning. Be short and direct, stating the timeframe by which they need to respond. State that if they do not contact you in this timeframe, you will withdraw as their attorney and end your representation of them.
 - Between 7 and 14 days is a good timeframe for the deadline.
 - This letter should also include any relevant statute of limitations that the client needs to be aware of.
- Send this communication by both voicemail message and email, if both are possible. If the client does not regularly check email, send a letter. It is a good guideline to try to communicate with them by two different methods.
- You can include an empathetic statement here too, such as “I understand if this not a good time for you to tackle this legal issue, ...” You can state that they may contact VLN’s intake line again in the future when they are ready to resume assistance with their legal issue.
- If the client has not responded and your deadline has passed:
 - File any necessary motion to withdraw with the court;
 - Please note that in order to file a notice of withdrawal, there will need to be a fee waiver (IFP) approved by the court.
 - Send a closing letter/email to the client noting any relevant statutes of limitation; and
 - [Complete a closing form for VLN](#) (we still need this form even if you withdraw!).

An example email:

Dear Client,

You have not responded to several of my recent communications with you, including an email Wednesday, September 8 and a phone message on Friday, September 10. I am willing to assist you with your legal matter free of charge, but I cannot do so if you do not respond to my emails or phone calls.

If I don’t hear back from you by end of day on Friday, September 23, either by phone (612-752-xxxx) or email (attorneyemail@youfillitin.com), I will not be able to represent you at this time. If you are not currently in a position to be able to respond to me, you can contact VLN at a later date for assistance. If you wish for further help after I withdraw, you can call the VLN intake line at 612-752-6677.

Please note that any conciliation court case needs to be started within six years from the date that you were supposed to receive the payment from your landlord. That means **you would need to contact VLN within 5 years from now so that there would be time to bring the case** if you want VLN to represent you in the future.

Sincerely,

Attorney