



Tip of the Month March 2025

## **Working with Difficult Clients**

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If you practice law for long enough, in any field, you will run into difficult clients. Pro bono work is no exception. Additionally, poverty is stressful and mental health issues are both a cause and consequence for people living in poverty. For these reasons, it is not uncommon to encounter a difficult client from time to time when providing pro bono services. And also for these reasons, the difficult client might be the person in greatest need of compassionate, high-quality legal services.

Here are some tips in dealing with such clients.

### **Before your representation...**

#### 1. Set your expectations

The first thing to consider is your own expectations about the client interaction. Consider that your client might not have a predictable schedule, access to reliable transportation or a phone that consistently works. Your client might not be able to receive the medical attention that they need for a condition, which may have been going on for years. Mailing a letter might require a trip to three different locations. Picking up an extra shift at the last minute might mean they sleep through an appointment, but they will have food and rent for a few more days.

For all these reasons and so many more, when a client misses an appointment or forgets to send you documents as promised, start off by giving them grace. Consider whether what you are asking works for the client. Write directions down for the client and be as clear about the things you need as possible and give second chances when you can. Understand that working with this client might be vastly different than your paying client, but at the same time you are committed to providing the same level of service as you would for all your clients.

## 2. Set client expectations

Whether you are providing advice, brief services, or full representation, setting expectations with the client from the beginning will prevent problems down the road. Let the client know the scope of your representation, presented in plain language they will understand. "When this phone call is complete, my services to you are done. If you have follow-up questions, you'll need to call VLN's intake line again to set up a new advice appointment," or, "When the trial is complete, my representation of you is done. I will not be able to help in any collection of a judgment, and I will not represent you on any appeal." If applicable, go over the representation agreement slowly, emphasizing what you will do (and not do) for them, and what they need to do for you. Go over expectations for communication and honesty.

### **If problems arise during your representation...**

## 3. Consult with a VLN Resource Attorney

Any time you are having issues with your client, please feel free to reach out to the VLN Resource Attorney assisting you with the case or in the relevant area of law. That's what they are there for! This can often give you the mental permission when you need to speak more frankly with your client.

## 4. Reset boundaries

Common issues we see with problem clients include repeated phone calls, asking the same question over and over hoping for a new answer, and being overly argumentative. If this behavior starts slowly, you may not realize it is a problem until it is well underway. You likely need to have a conversation that resets boundaries. Don't sugar-coat it at this point. Be polite but firm. Explain the behavior you want or want to stop and explain the consequences if it is not followed.

For example, you might tell the client: "You have asked about including pain and suffering claim and attorney's fees before. I already explained that is not an option in this case. We are done talking about it. If you don't like my answer, I don't have to represent you. But if you ask me about it again, I will have to withdraw as your attorney in this matter."

If the boundary has been explained (including putting it in writing) and the client refuses to respect the boundary, be prepared to follow through with the consequence. If withdrawing from representation is one of the potential consequences, you will also need to alert that client

to the fact that VLN does not replace cases with volunteers. The client would need to find their own attorney or proceed pro se if their VLN attorney withdraws due to client behavior.

5. Consider stopping services or withdrawing representation

VLN takes welfare of our volunteers seriously, if a client refuses to cooperate, repeatedly violates boundaries that have explained in person and in writing, or is abusive, you may want to consider stopping providing services (in the advice/clinic setting) or withdrawing representation (in full representation case work).

Stopping services in at a clinic or during phone advice will usually be made quickly after a verbal warning to the client about ceasing the inappropriate behavior. If the behavior continues after adequate warning to stop, explain the behavior violation to the client and then you can simply, and firmly state, "Alright, we are done here. I'm not advising you any further on this matter. Please leave."

In a full representation setting, you will want to carefully consult the relevant court rule and talk with the VLN resource attorney advising on the case. Again, if an attorney withdraws from a case due to client misbehavior, VLN does not assign a client a new attorney. VLN's general rule is that clients will only be assigned one full representative attorney on a matter unless there is some type of mistake or malfeasance on behalf of the volunteer.