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A swarm of activist
shareholders challenge
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with surprising results

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#BJ 118501SIL/2# A
NANCY FALLON-HOULE
5449 BENDING OAKS PL
DOWNERS GROVE IL 60515-4456

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RUN AWAY! RUN AWAY FAST!

Recognize the Warning Signs of the
Not-Worth-It-At-Any-Price Client

MARGARET GRAHAM TEBO

HERE'S A QUICK QUIZ: WHAT IS the No. 1 red flag that should give you pause about taking on a new client?
"Find out how many prior attorneys the person has had. If it's more than one, run," says Miriam Rittmaster, a Kansas City solo practitioner. "That's a malpractice action waiting to happen."

Such a client is never satisfied, says Rittmaster, and tends to blame the lawyer for everything—even adverse court rulings based on solid statutory law.

Other attorneys agree that unless "lawyer shoppers" have a good explanation, they should be avoided at all costs, no matter how much money they have to spend on



Carolyn Stevens tells potential clients that if they lie she will drop out of the case.

legal fees or how enticing their cases may sound.

"I'll be somebody's second attorney. Everybody gets 'one free bite' because family law is very emotional. But

I'll want to call the previous attorney for his or her version of what happened," says Carolyn J. Stevens, a solo family lawyer in Missoula, Mont.

Stevens has another category of what she calls "life is too short" potential clients: Those who careen from one crisis to another and expect the lawyer to go along for the emotional ride.

One divorce client wanted to freeze a dirty disposable diaper as evidence that her ex-husband couldn't properly care for their infant daughter because he had returned her from visitation in a diaper that the mother contended was too small. To make matters worse, the mother expected Stevens to store the frozen poop-sicle until the next court date.

"Sometimes, the clients who are really good at being 'victims' of their exes are also really good at being 'victims' for their lawyers, and they want to get you emotionally invested in 'saving' them from their circumstances," says Stevens.

D.Z. Kaufman has his own war stories about clients with "emergencies." Kaufman, who is a solo litigator in Fairfax, Va., accepted a somewhat dicey referral as a favor to a good client. The referral, who lived in another state, needed someone to step into a local collection case on short notice. Because of the urgency, Kaufman sent the man an engagement letter and headed for the courthouse to review the case file.

After spending about eight hours on the case, Kaufman asked for a \$2,000 retainer, which the client sent. Two days later, the client called to say that he had independently settled the case and wouldn't be needing Kaufman's services after all. When Kaufman tried to cash the retainer check to cover the time he'd already spent, it bounced.

Now, Kaufman has a new policy: "Your emergency becomes my emergency right after the check clears."

SPOT THE SWAGGER

ANOTHER RED-FLAG CLIENT, ACCORDING TO RITTMAS-TER and Stevens, is the person who swaggers into the lawyer's office and says something like, "Tell me why I should hire you as my lawyer."

Such clients are often demanding micromanagers who think lawyers are simply hired guns, says Stevens. A subset comprises third parties—often parents—who pay legal fees on behalf of the client and think that entitles them to direct the lawyer's actions in the case.

Stevens has gleaned a few lessons from years of experience with not-worth-it clients.

Once clients have related the story of what brought them to her office, she asks them to tell her the bad news—the worst thing that the other side knows about the client and will try to use in court. She also tells potential clients at the first meeting that if they ever lie to her, she'll drop out of the case immediately.

Stevens assumes "that there are, in fact, three realities: the client's, the spouse's and mine. I've got to know about all three up front.

"If the client's story just doesn't add up, I'm not getting involved." ■