

# How to Protect Your Practice from Crazy Clients

*By Dustin A. Cole  
President, Attorneys Master Class*

Keeping control of clients who go astray, and making sure you filter out the not-so-good clients is essential if you are to maintain a good practice and hold on to your sanity. What I've learned from family law, that most difficult of practice areas, has application in most practices. Here are my five "rules of engagement" to help you protect your practice and yourself, whatever your practice area.

## **The first rule of control: choose your clients carefully.**

When business slows, client standards tend to soften, and attorneys find themselves working too hard and having too many bad clients, and making less money. When clients don't plan to pay, they don't worry about taking too much of your time, so they do. And steal time for marketing and other important activities. That creates a vicious cycle: revenues are down, so they accept even more "D" clients who steal more time.

## **The second rule of control: set the rules of engagement.**

Many clients have never worked with an attorney – or at least you – which means they have no clear picture of how they will work with you. That creates two problems. First, if you don't explain in detail, they will make it up for themselves – and you'll get to be wrong. Second, that "unknown" creates fear, which means distrust – and problems.

I suggest that every family law engagement begin with an "Integrity Agreement" between client and attorney. This is completely separate from the retainer agreement. It lays out the roles and responsibilities of both the attorney and client, sets the stage for a better working relationship. The attorney discusses each point, both parties sign it, and client gets the original.

Just as importantly, it creates a written agreement the attorney can refer to later. When a client gets difficult or emotional or angry, and especially when they have not paid their bill, the attorney can now remind the client of the agreed-upon roles and responsibilities outlined in the initial "integrity discussion." It's much more effective than simply "reading them the riot act" trying to pry them off the ceiling.

The Integrity Agreement begins with a statement of mutual responsibility, such as:

"The purpose of hiring an attorney is to gain the support of a professional who has the ability and experience to guide you through the legal process toward the optimum outcome. The attorney cannot make key decisions without consultation and direction from the client. Therefore, both the attorney and client must be committed to full participation in the matter."

The list of attorney roles and responsibilities include such issues as:

"...will provide diligence and support at all times"

"...will respond within XX hours to phone calls and inquiries"

"...will seek client direction and decision at all key points"

"...will manage your matter with the goal of obtaining the desired outcome"

"...will assure that attorney and staff are reasonably available during office hours to provide advice and consultation and will interact in an empathetic and responsive manner."

One important item which should also be included is:

"...The attorney's responsibility is to apply their legal skills in an objective, practical and dispassionate manner at all times. When in the attorney's opinion the client is in a mental state which compromises their decision-making ability and threatens the client's long-term interests, the attorney has an ethical

responsibility to refer the client to a qualified mental health professional.”(When a client has become overwrought, the attorney can now say “remember our discussion? As part of my responsibility to you, I have to say...”)

The client portion includes such items as:

“...will respond promptly to attorney requests for information, decisions and direction”

“...will attend all appointments and meetings as requested”

“...will refrain from behavior which can compromise outcomes when meeting with the attorney, opposing counsel or other parties”

“...will provide prompt payment for attorney services”

“...will refrain from contacting the attorney after hours unless there is an emergency, which is defined as...”

**The third rule of control: draw them a road map.**

Develop a simple step-by-step flow chart of the steps a typical divorce will go thru. Print it out in a distinctive color. Then sit with the client, red pen in hand, and walk them thru it, jotting in approximate timelines. It doesn't have to be perfect, it just has to give the client some understanding of what is ahead. When they have seen and heard it, they're more likely to remember. Then put it in their folder for future reference.

**The fourth rule of control: educate your clients**

There are two parts to this. The first is a relatively simple “how to and who to” list which sets down in writing:

- Who to call for what
- What information to leave when leaving a message
- How calls are handled and returned
- Office hours
- Hours the attorney is normally available and not available for meetings or calls
- Firm contact information such as address, phone number, e-mail address, fax number, etc.
- Emergency phone number, and how such calls are handled
- Definition of an emergency

The second is specific information on charges and billings. It should include such items as:

- How retainers are managed and accounted for
- Billing rates for various staff
- How specific tasks or steps may be billed
- What additional costs beyond time may appear on the bill
- When bills are issued and when payment is expected
- When payments are overdue and what steps the firm may take
- Permission to request to withdraw for non-payment (maybe you can't actually withdraw, but a copy to the client can spur payment)

15 extra minutes spent educating a client and setting standards for working together can save uncounted hours of frustration and lots of uncollected invoices.

**The fifth rule of control: follow your own rules**

Once you've set the rules of the engagement, "be your word." If you tell them the rules and then don't follow them yourself, they'll learn you weren't serious about them. Most important are the rules about finances. Make sure they don't learn that you'll continue to work even when they're not paying.

Start your client relationships right and keep them on track, and you'll be far happier – and better paid.

**Dustin Cole, president of Attorneys Master Class, is a Master Practice Advisor who helps attorneys build more profitable, enjoyable practices and create financially successful retirement and transition plans.**

**Blog: <http://resipsalawyer.com/>**

**Website: [www.attorneysmasterclass.com](http://www.attorneysmasterclass.com)**

**Phone: (407) 830-9810**

**E:mail: [dustin@attorneysmasterclass.com](mailto:dustin@attorneysmasterclass.com).**