

# Popular Threads on Solosez

## Dealing With Clients' Prejudices

I have an ever growing problem to deal with. My clients come from many backgrounds. Some a religious while others are not. They come in many different races and from varying financial backgrounds. A couple are gay. I guess it's the nature of a criminal and family practice to have a variety of clients.

Lately, certain clients drop in an occasional racial slur or forward politically sensitive or sexist emails. Obviously, I will not pursue a case based on my clients' prejudices. But does my obligation go further than that?

As long as I do not use such slurs or answer such emails, and I remain professional, can I just ignore the inappropriate comments and emails. Or am I obligated (morally or ethically) to speak up in favor of the disparaged group, especially since they are also part of my client list? Should I go even further and not represent these people? (I am really opposed to the last position, on the grounds that everyone, even those I disagree mightily with, are entitled to legal representation when they have a legitimate legal problem.)

As always, your experience and wisdom is appreciated.

Kristy Zeringue Boxberger, Paulina, Louisiana

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When I have had clients that made racial slurs in my presence I have politely asked them to please not so in my presence. I will not simply let it pass. As far as e-mails I would simply tell the client that you prefer that you e-mail correspondence be restricted to professional correspondence and that they not send you jokes etc. That way you are not pointing out their bad taste or your position on the political issues but simply stating a preference for business etiquette. Cheryl E. Heffernan, Hamden, Connecticut

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I am also a family law attorney. I think you have a moral duty to speak up when a person, client or not, uses a racial slur. If you say nothing, you are condoning the behavior.

On a similar line, I HATE when a mother or father is in my office with their children and they swear. A mother had a 2 year old in my office and said a swear word. I told her not to swear in front of her child, and that one day very soon her child would yell "S--t!" at a very inappropriate time. She told me it had already happened.

Anthony Alpert Weaverville, CA



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Interesting, isn't it, how some clients will forward nonclient e-mails. I had one who would send an attachment of a waving hand. Just wanted to say hi. When I reminded her that e-mail communication is the same as a letter, and that if she would read her bill she would see those e-mails as line items, she stopped.

I think you are correct to tell clients that they may not talk to you in that manner, and they may not forward that type of material to you, and in fact they should not forward any material that doesn't relate to their cases because you bill for when you read client mail. (It's not until you've spent some time on it (your minimum billing increment) that you know it isn't related to a client matter.)

Carolyn J. Stevens, Lolo, Montana

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For what it's worth...I don't believe we can change our clients (or anyone else, for that matter). They are what they are...but still entitled to representation. I also believe there are two practical limits to this: While a particular client is entitled to representation, nothing says it has to be YOUR representation. If they are too repulsive or obnoxious to be around, you probably can't stay objective, and also don't need the extra stress in an already stressful profession. Second...in witness preparation...to do your job properly, you might need to mention to a client that his or her particular bias or belief might not be shared by all the jury members and expressing that bias or belief unnecessarily might well not be in his or her best interest best interest.

Unfortunately, with a criminal and family law practice, you get to see people at their absolute worst. The only behavior you can control is your own. Hang on to your professionalism and morals...they are YOURS, after all. Hang in there.

Alan L. Inglis, Rancho Cucamonga, California

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Basically, one has to exercise judgment and professionalism. A professional response that indicates one chooses not to receive similar communications is sometimes appropriate. It does matter what the communication states and the degree of offensiveness and implications therein.

My clients come from all walks of life as well. Most of the random messages I get are either debunked at snopes.com or are way right or way left politically. Posters do tend to assume everyone agrees with their position, but nonresponse implies nothing.

At times, it is effective to mention that only substantive requests for assistance should be sent. This has to be delicately presented. "I would hate to miss a request for assistance because you send me so much extra

email." or more bluntly "This is an email for business use. While I encourage you to send any request for assistance here you should expect that such requests will be reviewed at my hourly rate." You may also need to separate personal and business email use yourself lest it encourage forwardings.

Since the ones I get are all politically slanted one direction or another, I choose to ignore them. If I received emails from a racially prejudiced group (i.e. "Aryan Nation" or similar), then I would request to be excluded from future emails. There are federal and state statutes for unsolicited email, which could be referenced. It may also be effective to call them and diplomatically insist the offender stop.

Darrell G. Stewart, San Antonio, Texas

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From an ethical obligation standpoint, you might have an obligation to say something to your client if others in your office are exposed to the "slur" and might take offense. There are several cases pending in the NY/NJ area, some of which have been decided, that say the owners of a firm are liable for the inappropriate behavior and comments of clients if the offended party is otherwise a protected class -- e.g. on NJ, firms must act to protect others in office if knows or has reason to know that someone is viewing porn sites on office computers, in NY, firm partners liable for inappropriate sexual advances of a client to an associate in the office.

Beyond that, sometimes it's worth commenting because a person does not realize what they are saying or doing is inappropriate.

Jaconda Wagner, South Orange, New Jersey

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