

Popular Threads on Solosez

BEST WAY TO FIRE A CLIENT

I think I'm about to fire a client for the first time. I was retained by an adult child of a decedent to probate an estate. 3 adult kids, intestate. They're all nuts, and they all hate each other. They keep calling me and telling me horrible things about their siblings and making accusations about who stole what from Parent and all the bad things the other did. They are driving me crazy.

They all keep accusing each other of stealing, and beating their father, and each other and other mismanagement. They keep trying to get me to play family referee. I actually lost my temper today, I mean REALLY lost my temper. This is the first time I've done so in years for the first time in years, and got into a screaming match with one of the other adult children who wanted to tell me all the bad things her brother did for the past 10 years, and I had no interest in hearing.

I have this feeling in my gut that no matter how I proceed with this case, it's going to end up with a bar complaint filed against me. Oh, and there isn't a lot of money in the estate at all either.

I want out. It's not worth the stress or the eventual bar complaint that will come.

I accepted a retainer, and drafted the opening documents and sent them out to be signed, (which caused the sister to call me to tell me there was no way in hell she would consent to have her brother be PR). But nothing else has been done. I've had a few meetings with the client and put in a few hours work. I'm willing to give 100% of the retainer back and eat my costs just to make this go away.

How do I do it? By phone? By letter with the check?

There may be some other issues involving a pending lawsuit and the expiration of the statute of limitations. Does that change anything?

As a practical matter, do it in writing, with USPS delivery confirmation.

Mark Matthews, Virginia

Find the best neutral, non-threatening reason you can and let them know via mail, with return receipt. Better return their money or they may freak out.

Tom Crane, Texas

I agree with Tom and Mark: You must do it in writing with return receipt and the check. I also send a copy of the letter via email.

Also, you may want to check your rules for the money, but you already said you don't mind eating it. So its probably best to send all of it, so that way they have nothing to hold against you.

John Sheil, Colorado

First, I think your are right. Don't think about it as "firing", think of it as helping them get a better attorney for their situation.

I'd bring all the "clients" in together. Explain that you want your clients all to have positive opinions of you and you feel that you may have over extended yourself in taking the case and want to refund their money up front. You are not charging them for any of your time or work already done and give them a list of 5 attorneys in the area without making a recommendation. Continue on with how a different type of attorney would be better for their situation to give them all the attention their matter deserves.

Have them all sign a copy of a pre-prepared letter and be done. Smile on your way home or on way to lunch and go make money off of happy to hire you people.

Matthew Williamson, California

I think you have a better way out of this. I'm jumping to a couple of conclusions, but having been in this situation before, I'd venture to guess that I'm right.

The letter goes something like this:

Dear [everyone],

I believe that it is impossible for me to continue assisting you in this matter. I am recommending that you each get your own attorney before going any further with this case.

This happens from time to time. As an attorney I have a duty to protect information that is shared with me in confidence. While I only represent X, each of you has shared information with me in the apparent belief that I am the attorney for all of you. Now, one approach would be to take this information and use it solely to benefit my only client. However, I believe that this information was shared with me based on a mistaken, but genuine, belief that I represent each of you.

I am sorry, but I believe the only ethical course of action for me at this point is to withdraw and suggest that you each hire your own counsel.

Sincerely,

Don Twanna Helpieu

Hope this helps.

Cheers,

David Hiersekorn, California

I think David's approach is right on. I have a section in my retainer for probates that says something about terminating the rep. if I believe the client's role as executor is starting to conflict with his role as beneficiary (which sounds like it might be the case here.)

Leanna Hamill, Massachusetts

I called, and left a message and am sending out the letter with the check.

This case just gets crazier. I just checked the docket sheet, and it turns out another attorney opened the estate 2 weeks ago, and had one of the siblings appointed P.R. Was my (former) client served formal notice? Either yes and he's nuts and he threw it out, or no and something else is wrong. What's worse is that I spoke to this attorney a couple months ago and TOLD him that I represented the son, and asked if he was in possession of the decedent's last will and testament, b/c I knew he had done some work for the decedent.

So this attorney goes and opens the estate, and doesn't say anything to me, even though he knows I represent the son? He might not have been legally obligated to, b/c there was no formal notice of appearance or anything like that, but it's super scummy. It's not the way I practice. I 100% would have informed me (if I were in his place) as a courtesy.

Anyway, this gives me another out. There might very well be a legit objection to the appointment of the PR. However, I don't do contested probates or probate litigation

I don't know why he didn't contact me. It doesn't benefit his client b/c my client was supposed to be noticed. All I can gather is that he wanted the probate b/c he wanted the work.

Let this other attorney have the probate. It's intestate, so he'll have to deal with all 3 children one way or another, and they are all crazy. Let him have it. It's not worth the nutjobs.

LAWYER WHO'D LIKE TO FIRE A CLIENT

Congratulations on the proper solution. Warning, however, your letter should contain a warning about possible statute of limitations or litigation

and urge them to seek legal counsel RIGHT AWAY. Do not define any statute of limitations. Just warn them to go consult with some one immediately.

Good luck!

Ann P. Bergen, California

I agree with everyone that you should send a letter via certified mail. I always send via certified and another copy by regular mail so that it will be delivered even if they do not sign for the certified letter.

The only thing I have to add is that I would call the client before sending the letter to give the client a heads-up. I have fired several clients and I find that they appreciate your contacting them first by phone rather than them just getting a letter. A few of the clients that I fired have since referred some good cases to me - you definitely don't want to burn that bridge.

Dondra Bass, Florida

I did speak to the client beforehand, and I did send out the letter not green card certified mail, but electronic cert mail. The client keeps calling me though, and asking for help and questions. I try not to be rude but I'm going to have to be.

LAWYER WHO STILL WOULD LIKE TO FIRE A CLIENT