

Firing a Client

I have a client who has taking it upon herself to be the prevailing source of misery in my life. I would not continue to represent her for any amount of money. I can easily withdrawal from the case, but i am struggling with how to break the news to her. I am concerned about a bar complaint. (which would be unfounded) But she is the most entitled, vindictive, spiteful b#\$ch I have ever met. I can verify this because she is a divorce client.

So how do you break up with a really difficult client?

Hopefully you have a clause in the fee agreement that allows you a way out. If not maybe a face to face as to what's bothering you.

John Davidson, Pennsylvania

Ugh. I feel your pain.

I would send her a letter stating you're withdrawing from her case. The less you say in the letter about why you're breaking up, the better because inevitably, any reason you give will just lead to further argument. Maybe something like "per rule XXX, I believe the attorney-client has deteriorated to a point where I can no longer effectively represent you. I will be filing a Motion to Withdraw in your case. I encourage you to seek new counsel right away."

Jeena Cho, California

If you want to have any hope of avoiding a bar complaint, I would definitely call her if you're still in a case together rather than just sending a letter. The call doesn't have to be long but you owe any client the courtesy of at least a call if not an in-person meeting if you are no longer going to represent them. A divorce is emotionally trying for all participants. If I had gotten a letter in the mail from my attorney saying he wasn't going to represent me any more in my divorce I would have gone through the roof.

I would keep it short: call, say it's clear that you don't see eye to eye on the level of service the case requires, tell her you are going to ask the court to allow you to withdraw, and then offer to find a referral for her. Then follow up with the letter. I wouldn't put any reasons in

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writing--just say "as per our discussion, I am withdrawing as your counsel from [name of action here]. Enclosed please find your files."

kwg

Kevin W. Grierson, Virginia

Carefully planned and short phone conversation, followed by a letter confirming same. File a motion promptly and follow through. Be concise, cordial and professional. It is a time for self-control, tact and brevity.

Darrell G. Stewart, Texas

I agree with Kevin and Darrell. I would give the courtesy of a call before I sent the letter. I would recommend letting her know in the conversation that she will receive a letter confirming the conversation. In addition to Darrell's brief, concise and cordial I would add be firm. Don't start this until you are committed to the act and cut it clean. No hedging!

Best of luck --

J. Bart Countess, Florida

What is her chief complaint? If it is that you are not dedicating enough time to the case and her needs. I would call her and tell her she is right and that an attorney with less going on would be a better fit and that you would gladly help her find someone and get them spun on the case to save her money

Thank you

Maurleen Cobb, Florida

I have had a similar experience, and I did file the motion to withdraw. Here is what I did, and I did not experience a bar complaint.

- 1) take time and act when you are cool headed , you have the Motion ready to file, and the letter for the client ready. The letter should advise her to seek other counsel and provide a status update on the case.
- 2) do not concede any type of fault, even due to time restraints caused by a client's unreasonable demands
- 3) if there are irreconcilable differences on the legal strategies, say so to the client, in the letter, and the Motion. This is the reason I provided in my Motion to Withdraw in Maryland, which was granted.
- 4) make sure the client gets her file
- 5) follow through to make sure the motion is granted.
- 6) learn from the experience. I was told "some clients cannot be helped", and I have changed my approach.

Maria Patente, Virginia

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You shouldn't say she's right on that unless she is, and she probably isn't.

Better to say that the fit is not good and give a few names of folks who might be a better, more deserving, fit.

Joe Gormley

A phone call and a letter detailing the reasoning behind you terminating the representation without giving any legal advice or rendering opinion. Sometime I just send the letter, no phonecall.

Rod Alcidonis, Pennsylvania

Don't forget to include in your firing letter a list of all pertinent, outstanding suspense dates that have to be met.

Larry Frost, Minnesota
