

## PCs Flirting With You

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So, my last few posts didn't raise much reaction, so maybe this will...haha:

I have this PC who seems to be intent on flirting with me....I can engage in playful banter & of course I'm not taking it seriously, but, I don't want this to be an uncomfortable attorney-client relationship....He just wanted to know if I get "butterflies" when I speak to him.. Ummm, a) huh?-what? b) i'm married...c) you're married...d) you're hilarious...

Has this happened to any of you and what did you do about it, if anything....

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I would be firm and make it clear that this is to be a professional relationship and if he wants to flirt, he needs to get a different attorney and then stick to it. You are going to get yourself in trouble otherwise. At least in Texas, this can quickly become an ethical violation.

Keith E. Davis, Texas

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Ok -- for the record and before this gets out of hand, I did not reciprocate in "giggles" etc, or whatever. I pretended as if I did not hear him and told him to let me know if he had any questions regarding blah blah...(the retainer agreement). I know that it would be unprofessional and unethical and all that. I'm actually very paranoid about losing my license. I was just making light of something that happened and wanted to know what others on this list would do...because, clearly I had nothing but just to pretend I didn't hear him.....

thanks!!

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The last flirt I recall happened years ago with a female divorce client.

We had good results at court and she was happy. I forget why, but she had ridden with me to court.

It was a Friday and the coming Monday was a holiday. She wanted to make it a 3-nighter.

I think her agenda became clear at a mall cocktail lounge we stopped at to toast her divorce with one drink each.

I forget how I begged off but she did not land me. The case was over and suppose no ethical issues but I did not get that far because she was not my cup of tea. That is, had we met at a social event or church or whatever, I would not have asked her out. I have no idea what I might have done had I felt her desirable.

For those of you with long careers ahead, this stuff will come up.

Rob V. Robertson, Texas

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It depends on if they are flirting seriously or not. If they are serious, I mention something about my spouse as an aside during our discussion. If they keep doing it, I tell them to knock it off. If they aren't serious, then I just ignore it. Some people like to flirt. One of my colleagues flirts outrageously with everyone, which is highly entertaining. He's not serious about it, so no one sweats it.

Time to sign off for the night!

Corrine

Corrine Bielejeski, California

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I have not had this happen to me with a client but I am pretty new. I am very interested to hear what everyone has to say about it. As for my advice, here it is:

Initially I would try either veering the conversation in a different direction and hope that the PC gets the hint. If that does not work, I would say I would be up front that it may be inappropriate behavior. I know. Much easier said than done.

Other thoughts Sezzers?

Sahar Malek

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Just a couple more two cents. When I worked for a major corporate entity, it was made very clear that any such flirting would subject you to being fired. What someone treats as harmless flirting, someone else will file a complaint about and get you lots of liability. What do you think that client is going to say when your attorney-client relationship goes sour. Is your career worth taking the chance?

Keith E. Davis, Texas

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Don't burst out laughing - it seems to hurt their feelings. Unless you WANT to hurt their feelings . . .

Veronica M. Schnidrig, Oregon

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I had a new client a few weeks ago, with wife, that was being outrageous with me. All sorts of comments on my legs, etc. I don't ruffle all that easily, and his wife was there laughing, so I went along (at least until they signed a retainer!) . At some point, I was trying to concentrate and he talked about how much he liked women with a little meat on their bones and other sorts of comments and although I am usually unflappable on the surface, I said "stop it" the way I would say it to my naughty three year old, at which point his wife told him to leave me alone.

Ellen Victor, New York

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Many, many years ago when I was on my own, I had a client come in for a divorce. Nice young lady who was just having a bad time. I went through my standard intake and got to the part about how much money I wanted for my fees and my retainer. She looked me in the eye and told me that she would sleep with me during the case if I would cut what I wanted in half. I did not waste any time, I told her that I could not represent her, even though she said she was kidding (I do not think she was), and I got her out of my office quickly (I had a home office at the time). Later, I e-mailed her several referrals to female attorneys that I knew.

The funny part of this story is that I did not know it at the time I was seeing her, but my father-in-law had let himself into the other side of the house to do some repairs. (He is very handy and enjoys doing stuff like that for his daughter - I am an afterthought.) I had left the house door open, so he had heard pretty much everything from her offer until I closed the door. I practically jumped out of my skin when he said "I never heard anyone get rid of someone so fast and so

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politely." After I clawed myself back down from the ceiling, he and I had a long talk about making some noise when he comes in so that I could maintain my clients' privacy. He still laughs about it though.

I think what it really comes down to is that you have to be comfortable with the attorney client relationship. If you can put up with these things and you are sure that you both can remain professional \*and\* you are sure that both of your spouses can handle it, then go for it. However, if you are worried about any or all of the above, dump the client. There is no reason to make your life difficult.

Good luck,

Frank J. Kautz, II, Massachusetts

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Only when I was an office manager [pre-lawyer] about 45 years ago. In my "young" lawyer days, which means during first couple of years of practice, because I was never a young lawyer, there was sexual harrassment, but that was 35 years ago.

If either of those happened now, I wouldn't want to take the client, because once you establish the atty-client relationship, it becomes more difficult to draw the lines. If you can avoid the banter, and make pleasant but firm remarks redirecting conversations toward the legal issues, you may succeed in keeping PC on track. If that doesn't work, I'd say run like hell, because it can explode into some kind of legal claim against you.

If it were sexual harassment, he wouldn't live to try again.

Miriam N. Jacobson, Pennsylvania

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Do any of you in your representation agreements or written explanation of the attorney-client relationship explain from the outset what behavior is appropriate, or that flirtatious/sexually harassing behavior is never appropriate with you? Just curious.

Christopher D. Ambrose  
Not-A-Lawyer  
Counting Down Until May 18

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One of your professional skills is control of conversations. The bag of tricks includes ignoring things, redirecting conversational threads, using long pauses effectively, and on into the detailed skills of questioning

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witnesses in court. Flirting clients call on you to hone those skills. You can sort them almost immediately among:

- those who flirt as a game that's not going anywhere, and you can play too if you enjoy it, or ignore it if you don't.
- those who have a crush on you, where you can just ignore it in interactions and secretly enjoin the attention, or where you need to mention your spouse a few times to cool them off, or where you need to casually (to all external appearances) mention that it is unethical to become involved with clients and besides it would impair your objectivity in evaluating their case, to those where you tell them that, for whatever reason you make up, you can't be their attorney.
- those who proposition you because they proposition about every person of the opposite sex who comes their way, and you can directly tell them no, and get on with the representation.

Look at it as a professional challenge in client management, not a personal issue.

Rebecca K. Wiess, Washington

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I agree with Rebecca. If you do decide to continue with a client who flirts with you, however, it should at least serve as a warning that the client has boundary issues, which may lead to other problems (since you are "friends" you may see more calls and emails at unusual hours, etc.).

Kevin W. Grierson, Virginia

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One can express boundaries in an agreement, although I would suggest another approach. Discussing when and how communications may occur can be helpful. A goal of response within 24 hours, for example, may be a marketing tool along with an admonishment that a ten second response on email may not be forthcoming.

Inappropriate communications with clients is a black hole. Bringing it up before a problem arises can have negative connotations in more than one direction. Managing the communications where an issue may be surfacing is the key when the problem arises, but I would not recommend drafting a prophylactic provision in the agreement.

Darrell G. Stewart, Texas

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This is just bad sign overall. I understand some people turn on their charms to anyone of the opposite sex, but it's indicative of the person having trouble setting limits. Or determining what is a social setting versus a business/professional setting. What may be appropriate over a cocktail isn't appropriate in a law office.

The point is, even if it doesn't develop into a 'legal' claim its an indicator that they may be a bit too demanding.

Ronald Jones, Florida

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I've had it happen a few times, though every flirty client was easily old enough to be my father, usually married, and not at all attractive. My handsome young clients never flirt with me. :( But I digress...

While I don't disagree with Kevin and Frank that this behavior is symptomatic of boundary issues that may spill over into the rest of the relationship, I do think that you can handle it gracefully while still possibly keeping the client. Some guys are perpetual five-year olds who will always push the envelope just for sport.

If you don't care to keep the client, then you can be firm or worse and put them in their place. Years of working liquor promotions has honed my ability to embarrass the crap out of a guy who has no filter, preferably in front of his friends.

If I want to keep the client, I fabricate a boyfriend (since I no longer wear a wedding ring). When that doesn't deter the comments, I explain that I'm flattered, but even if I was interested, which I'm not, my ethical rules strictly prohibit relationships with clients.

If they continue to be out of line, I would consider terminating the representation, but no one has pushed me that far.

Best of luck!

Gina Bongiovi, Nevada

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