When a Client Doesn't Hear "No"

Hi listmates,

Another new one for me. I recently told someone that I was unable to take their case. The client continues to email me and text me to give me "updates" and ask why I'm not taking her case. I made it very clear in 2 emails, and in the second email stated that it was my final email on the matter. I have not responded since.

What can I do to stop this client from contacting me? Physically blocking them from my phone/email address? What have you done in these situations?

This has happened to me a few times.

A very clear e-mail and letter, which you keep a copy of, should be sufficient.

Dear Ms. so and so,
I am not your attorney. Any further communication with this office will not be read or responded to.
Sincerely,
Sharon

Now let's see what the malpractice and ethics gurus on the list have to say.

Corrine Bielejeski, California

Letter mailed to non-client saying I don't represent you, stop thinking I

do.

Elizabeth C.A. Johnson, California

I was thinking that, too. I would also add that I would refuse future mail. I would also block her e-mail so it bounces back unread.

CJ Stevens, Montana

In addition to sending a very direct letter stating that you do not represent the person, I would suggest that say (in that letter) that you are not advising her with respect to the merits of her case, and that you also advise her to hire other counsel *promptly* so as to avoid loss of her rights.

You may also want to refer her to an appropriate source to find other counsel (for instance, a referral service offered by your local Bar association).

Although I am not aware of any legal effect (in this context) of sending the letter Certified Mail, RRR, you may want to do that, just because so many people think there is some magic in doing that. And also send a copy by regular, first-class mail.

Brian H. Cole, California

You don't say why you are unable to take the case; the "why" can make a big difference in how you should respond. In any case, don't put anything in a letter or email you wouldn't want to see on Facebook or on a billboard in front of the courthouse. Number one, is stop referring to them as a "client". Not wanting them as a client is one thing; having some obnoxious and persistent person out there telling everyone how unprofessional you are and that you are a lousy lawyer is another problem. Some lawyers lie and say they are too busy to take on the case. I usually just tell them I'm not interested. I rarely refer them to another lawyer unless I happen to think of a lawyer who has annoyed me recently; my little contribution to karma.

Duke Drouillard, Nebraska

My standard line over the years is that "because of (not my area, another case I'm working on that is going to take up most of my time and my current workload) that I would be doing you a disservice if I took your case. The best advice I can give you is to contact a lawyer referral service and locate a lawyer that has the time to devote to your case that your case truly deserves. Right now, that is not me and I do not want to be a disservice to you. Good luck with your case."

I've found that people go away when they hear that. And good luck to you too.

Joseph G. Bonanno, Massachusetts

Thanks everyone for the responses.

The reasons I gave were: 1) it is not my area of practice and 2) my current

workload is too high to be able to take on the case.

And I referred the person to 2 different people who may be able to help.

I wished the person the best at the end of the email.

It sounds like I will just have to keep ignoring this person.

Sharon Barney, Pennsylvania

To each their own, but I generally do not email with a potential client.
Email, by its nature, creates a perceived informal or friendly
relationship. I find it is then harder to extract yourself from the
relationship in a professional way.

If potential clients want to email documents for my review, that's fine (I
still usually have them go through my assistant), but I won't get into
detailed communications with them.

Marshall D. Chriswell, Pennsylvania