

Advice on Turning Down Client

I've got a call scheduled this afternoon with a would-be client. After looking into her case for appellate issues, I saw that her trial attorney withdrew before her motion for rehearing was ruled on. He cited irreconcilable differences, her insistence upon taking actions he deemed "repugnant," and her failure to abide by the terms of their agreement.

As a newbie to all this, what's a polite way of turning down a client who seems to be a liability? Obviously, I can't tell her that she doesn't have any appealable issues, because she very well might. So how to I explain my refusal to even look into her case without offending her?

Any thoughts would be much appreciated.

Miss Jones:

Thank you for your interest in my firm handling your case. However, at this time, I cannot represent you in this matter.

Please note that the law has certain time requirements. Please be advised that specific time deadlines apply to various legal matters. While some of these deadlines might be measured in terms of years, other deadlines can be quite short. There are also conflicts within individual cases, such that various time limitations may apply to the same event or circumstance, or such that insurance policy provisions require timely action to be taken in order to avoid the loss of benefits. With very few exceptions, failure to comply with any of these time periods will cause the loss of certain rights, and may prevent the recovery of anything and/or the ability to prosecute (or defend) your case. Additionally, there may be factual, evidentiary, or other matters requiring prompt attention. To protect your rights, you should act expeditiously.

You should promptly consult with another lawyer. Another lawyer may wish to undertake your representation or may give you other advice.

You might consult with another lawyer by obtaining a personal referral, calling attorneys listed in the telephone yellow pages, or contacting the County's lawyer referral service.

Jonathan Stein, California

You really don't have to give any reason at all if you don't want to. But I often give the "given my current caseload" response. Also, it looks like The Florida Bar has a lawyer referral service. This is part of the response I use in Virginia:

"If you do not know of another attorney, you might consider contacting the Virginia Lawyer Referral Service at (804) 775-0808. They are able to refer to lawyers throughout Virginia."

Make sure to stress the time-sensitive nature of their matter and that they can and should speak with another attorney immediately. In this instance, I would just also state that you are canceling today's appointment. There's no need to get into a prolonged back-and-forth. There have been a handful of times where people get testy after receiving that response. But, you'll soon find that most appreciate that you are getting back to them so promptly and not wasting their time.

Ryan Young, Virginia

Jonathan's letter is good. Don't explain. Just decline the case politely.

Max Taylor

Also, there are many good non-engagement letters online. I have my standard ones stored and I just cut and paste when needed.

Here are a couple of good ones:

1. <https://www.gabar.org/committeesprogramssections/programs/lpm/upload/nl.pdf>
2. <https://www.mlmins.com/Library/Non-Engagement%20Guide.pdf>
3. <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/Ltrs-NonEngagement.pdf>

Just pick the points you like from the various forms and keep it on hand for the next time this arises for you.

Additional practice pointer: I am a bit surprised by the amount of information the previous attorney put into the Motion in your case. In the handful of times I've had to withdraw, I put that I needed to withdraw due to "professional considerations" and then simply cited the relevant withdrawal rules. I've never had any judge question this. Caveat: I only handle civil matters (mostly estate litigation). Once, I put "professional considerations" in my Motion. We got to Court and the mentally ill client began yelling at the judge while red in the face. But, any later attorney would only see that I needed to withdraw due to "professional considerations". This potential/unwanted client might now have difficulty getting a new attorney because of the language used in the motion.

Ryan Young

Take control of the conversation. Make it clear that you will not be proceeding. Consider whether a formal declination should take the place of the conversation.

Be unequivocal, clear, direct, short. Recommend the local bar association referral service if one is available. Get off the line if you get on the call after making your points. Make sure you document that you will not be representing the person. Document your advice to seek other counsel.

If contacted further by the same potential client, have a canned response reiterating the same information. Copying and pasting the prior declination will work.

Darrell G. Stewart, Texas

Thanks, everyone, for the great advice!

Sam

Are we voting on these approaches? I vote for Jonathan's suggestion.

Clear, concise, polite... and keeps you out of trouble. Yes, explaining why you don't want to take a case will almost always get you in trouble.

Laurie Axinn Gienapp, Massachusetts

First, you don't worry about niceties when rejecting a client. You simply tell the client that the case is not one for you and send her on. In addition to telling her, write her a letter and send it via some type of traceable letter. Also email her. To hell with niceties.

Robert "Robby" W. Hughes, Jr. Georgia

One more suggestion: I have a very simple program called PhraseExpress:

<https://www.phraseexpress.com/> I highly recommend it. It's a text expander and autotext software. So, when I want to give a polite nonengagement response, I have a few options that are already stored in the program. For example, when I want to blame it on caseload, all I have to type is "caseload" and then hit tab. Voilà! My notice immediately pops up in an email. If you want to give a blunt response, you could draft one and have it stored as "bluntresp". I also use the program for explaining how to make an appointment or pay an invoice. It's a major timesaver.

Ryan Young

Pardon me if this repeats recommendations already provided.

When I turn down, I try to remember to remind the caller about statutes of limitation problems.

I repeat that I am not taking the case nor opining about anything just urging them to get counsel and to be concerned about limitations.

If you are attending the American Bar Family Law conference in Austin, Texas, this week at the Fairmont Hotel, Thursday to Saturday, look me up to say hi.

Rob Robertson, Texas

While I agree you do not have to give a reason for turning down a client, we usually try to give some direction - aside and apart from SOL - for two

reasons: (1) most other attorneys give just the "we can't take this" with no niceties and this helps you stand out a little more from the crowd, and

(2) these people can become referral sources or come back to you later if you handle the rejection appropriately.

I have one guy who we rejected due to a lack of specific medical evidence and he has, over the past 3 years, referred us 5 good cases. He specifically told us he appreciated knowing why his case kept getting rejected by others and he sends us people he knows because we took some time to help him understand.

In some cases, we tell the POC what it will take for us to take the case and if they do it, to give us a callback when XYZ is done, and about 30% of those people do call us back.

So, while niceties are not required - they should not be discounted out of hand.

Lloyd J. Bourgeois, Jr., Louisiana