

The Judges and Lawyers Assistance Program, Inc. (JLAP) promotes wellness and mindfulness tools that are effective in helping lawyers manage the day-to-day stress and pressure of practicing law. Of course, the inherent tension of any given law practice varies. For example, it's likely that domestic litigation and criminal defense attorneys encounter a higher ratio of extremely distraught clients.

While it's important to take care of yourself and manage stress, it's equally important to be deliberate in deciding who you will represent in the first place. An ounce of prevention by totally avoiding toxic clients may prevent a landslide of misery in the future.

A two-part article by Mike O'Horo on the subject is worth a glance to remember it's perfectly fine and necessary to end a client relationship when it is chronically impacting the firm's mental health.¹

In part 1, O'Horo identifies common attitudes among toxic clients, including demanding inordinate amounts of your time; wanting everything for nothing; slow to pay fees; unwilling to follow your advice; ignores your requests for information; or are disrespectful to you (or your staff).

In part 2, he sets out how to fire a client — prepare the file and follow all the procedural rules; notify the client and cite the objective reasons; hear the client out if they want to discuss it; provide several references for new representation; keep it short and wrap it up; be calm no matter what the client's reaction is; and complete all the details necessary to comply with all rules that are applicable to terminating representation.

Sounds unpalatable but manageable, right? The truth is that, in some cases, you're stuck. There is no guarantee the

court will let you withdraw from a case for any number of reasons. At that point, you're saddled with a toxic client for the duration of the case and that's a category of misery that wears on the mental health of the lawyer and his/her staff.

Against that backdrop, it is clearly important to identify toxic clients up-front and avoid them whenever possible. An excellent and comprehensive article on "Toxic Client Syndrome," written by California lawyers Jerome Fishkin and Lindsay Slatter, discusses all aspects of toxic clients, including a valuable section on how to better identify them in the pre-retainer stage.²

According to the authors, these client traits during the consultation spell trouble — overbearing or dictatorial; certain the case is a "slam dunk;" grumble about your hourly rate and retainer; or their case is solely about principles, not money.

Prior to my tenure at JLAP, I learned many toxic client lessons the hard way in my solo domestic litigation practice. Over time, I developed these self-disciplined consultation guidelines to greatly reduce the toxic client load — demand a full retainer up-front (and stick to your guns); define and align all expectations on both sides of the relationship up-front including worst-case-scenario legal outcomes; set expectations on billing, returning phone calls and mutual cooperation; and make it clear that many other clients are being represented and no single client can monopolize the firm's attention or receive instant responses 24/7. I also learned that a thorough, *free* initial consultation was the best way to go because, if after the consultation I felt the potential client was not a good fit, the person was not out any money if I decided I was not the best lawyer for the particular case.

No matter your style or practice area,

the bottom line is always trust your gut. If payroll and rent are looming, it's hard to resist a potential fee. But, if after a long consultation your gut is screaming "NO!" and your bank account is demanding "yes," you might deeply regret not following your gut. Toxic clients ultimately make you wish that you had paid *them* a full retainer fee to find another lawyer.

At JLAP, we often see lawyers who are burned out or worse; they may have become toxic lawyers in response to an ongoing, unhealthy level of exposure to toxic clients. If you don't remember to always include your own mental health and welfare in the lawyer-client equation, it can be hazardous to your health.

If you are under pressure and being impacted by too many toxic clients, call JLAP for effective tools and advice on self-care, setting boundaries, and steps to take to reduce the stress and anxiety of your practice. Your call is absolutely confidential and privileged. Call (985)778-0571, email jlap@louisiana-jlap.com, or visit the website at www.louisianajlap.com.

FOOTNOTES

1. See these online articles: <https://www.attorneyatwork.com/purge-toxic-clients-practice-part-1/> and <https://www.attorneyatwork.com/purge-toxic-clients-practice-part-2/>.

2. <http://cclawyer.cccba.org/2011/04/toxic-client-syndrome/>.

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