

## MANAGING DIFFICULT AND UNREASONABLE CLIENTS RISK ADVICE

It can be easy to do quality work for good clients however, throughout my experience dealing with claims, I noticed that a high number of negligence claims arose out of situations where law firms acted for difficult clients.

Difficult clients can have a negative impact on your ability to deliver good professional service. Often they are successful, forceful individuals and can be overbearing and bullying by nature. They tend not to want to hear advice that challenges their opinions. For example:

- They reject your professional opinion on legal issues.
- They don't pay interim bills.
- The work can often involve complex legal issues often worsened due to delay by the client. The work is made urgent because law firms are instructed at the last minute which can result in its matters either have to take precedence over others which is disruptive, or conversely often the difficult client's matter can get ignored or put to the bottom of the pile.
- They can isolate and bully fee earners.
- There is a long list of law firms who have acted for them in the past.

Having seen these people in relation to claims and occasionally (and unwisely) acted for them myself over the years, I thought it is worth setting out some points to combat the risks they can create.



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## RECOMMENDED ACTIONS

Difficult clients are a perennial source of negligence claims. Managing client engagement is critical so that you are less likely to have the problem in dealing with the issue at source. Difficult clients are usually a significant drain on resources and hardly ever pay their way.

Difficult clients can also disrupt professional routines and if a mistake is made, elements of poor service can negatively affect the liability position for the law firm.

## DIFFICULT CLIENTS CAN BE A PERENNIAL SOURCE OF NEGLIGENCE CLAIMS.



If you do find yourself working with a difficult client, here are six things to bear in mind:

	ACTION	BENEFIT
1.	Take extra care in recording advice: A. Ensure the possible negative consequences are explained. B. Use the template discussed in the records of advice section.	Minimises uncertainty or lack of clarity.
2.	Play as a team: A. Share any issues with colleagues. B. Don't get isolated, or bullied.	Manages the stress and anxiety of dealing with unreasonable people.
3.	Be crystal clear about: A. The estimated costs and overall cost benefits of any work. B. Getting money on account. C. The consequences of delay by the client.	Minimises the risk to the firm of not getting paid; manages the client properly; ensures that client responsibility is clear.
4.	Maintain a professional relationship: A. "Fairness" and "justice" are not what you supply — they come from the courts and cannot be guaranteed. B. Clients are not paying you (and will not pay you) to sympathise, take on its concerns, or be its friend.	Helps maintain a normal client relationship.
5.	Deliver the quality of service all your clients deserve: A. Don't neglect other clients just because the client is acting difficult. B. Don't avoid dealing with the difficult client with a problem file.	Minimises the risk of errors or negative impact on client service generally.
6.	Review client acceptance procedures: A. Did you really need/have the time to work with this client? B. Would you take them on again? C. Was the client referred by someone? If so, review the referral source. D. Should you review your new client strategy and engagement procedure?	Learn from the past, and reduce the risk going forward; managing the clients you take on positively is a powerful factor in reducing risk.

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