

FIRING CLIENTS

UT Law CLE
February 9, 2018

Paul Koning
Koning Rubarts LLP

Who?

- Non-payment/slow payment
- Non-cooperative: non-responsive; disappears
- Dishonest: withholds info; lies; uses lawyer to defraud; unethical; untrustworthy
- Toxic: constant complaining and second guessing; refuses to listen to advice; unrealistic expectations; verbally abusive
- The “dog” case
- Malpractice claim or grievance

Who?

- Lawyer problems
 - Beyond expertise or capacity
 - Conflict of interest arises
 - Illness or personal circumstances

Why?

- **But I need more clients!**
 - Dropping toxic clients will increase productivity, profitability and mental health
 - Excess time and energy spent on these clients can be devoted to developing and servicing better clients
 - Well-being of your staff and family (and you)
 - Loss prevention (grievance and malpractice claim avoidance)

When?

- **Sooner is better – Be decisive**
 - If at all possible, before suit filed
 - If suit filed, early enough to get court approval
 - Same principle applies to non-litigation matters
 - Rule 1.15(d) requires “reasonable notice” and allowing time for employment of other counsel

How? (Legal/Ethical Considerations)

- Rule 1.15(a): Mandatory withdrawal
 1. The “representation will result in violation of ... rules of professional conduct or other law”
 2. Lawyer’s mental, physical or psychological condition materially impairs lawyer’s fitness
 3. Lawyer is discharged

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Firing Clients

Also available as part of the eCourse

[2018 Law Practice Management eConference](#)

First appeared as part of the conference materials for the
2018 Managing Your Success: Practice Management at the Next Level session
"Firing Bad Clients and Recovering When You're Fired"