

# FIRING CLIENTS

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## 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

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