



Fleury, Comery LLP
Barristers & Solicitors

THE DIFFICULT CLIENT: OR THE DIFFICULT LAWYER?

On rare occasions, we encounter clients that we feel are “difficult clients”. We are sure, however, that often those clients feel we have become “difficult lawyers”. What leads to this situation, and can it be avoided?

It is a relationship

It is in the nature of our profession that a relationship of trust and confidence must be developed between the lawyer and the client. In the vast majority of our cases, as the matter proceeds, there are several meetings or contacts. This means that communication and personalities play a role in a successful outcome. A “difficult client” really represents a failed relationship.

Failure to Communicate

Most failed solicitor-client relationships are the result of failed communications. The client may not understand why the lawyer has taken a step, and the lawyer may not understand that the client wants to or needs to know. They start talking past each other, make assumptions that are unwarranted, and before you know it, they are at loggerheads. In an attempt to avoid this scenario, we have a procedure of copying all important correspondence to our clients. Hopefully the client then knows what is happening with his case. It is equally important that our clients keep us apprised of their concerns.

Courtesy is the starting point

Politeness and courtesy are fundamental to the success of the solicitor-client relationship. Our staff is trained and are expected to deal courteously with our clients at all times. We are a service business. If there is any failure of courtesy, please do not hesitate to bring this to our attention. Similarly, however, it is difficult to form a relationship of trust when the courtesy is not reciprocated.

It is NOT a ‘Need to Know’ Scenario

Every so often a client will deliberately withhold information from us, thinking we do not “Need to Know”. From the lawyer side, this is tantamount to lack of trust and confidence--poison to a successful relationship. The client likewise may sometimes get the impression that the lawyer is not being open and frank, with the same result. These situations can be remedied, if caught early enough.

Personalities Sometimes Clash

Every client is different; so is every lawyer. From the lawyer’s viewpoint, we have learned from experience how to deal successfully with many different personality types among our clients, because we are, after all, a people profession. However, in some matters when trying to achieve a result, possibly we become overly “goal oriented”. For example, most of our clients naturally want to keep legal costs to a minimum. In trying to respect that instruction, we may forget that some clients need more than the customary reports. A balance between constant communication, and economic conduct of the case must be achieved in any particular case.

Nobody likes bad news

On occasion, a solicitor-client relationship can suffer because the lawyer has to be honest, and deliver some bad news. There simply are some people who cannot accept our counsel. It would be a disservice to the client, however, not to face the facts. The only solution in this situation is to terminate the retainer.

Complaints are important to us

Being in a service business, complaints are an important source of feedback to us. Naturally, we hope any particular complaint will be communicated with courtesy, but we need them regardless. If you are not satisfied in any respect with the service you receive at our firm, we would be grateful if you would advise us. Our managing partner is Ed Fleury. We would ask that any complaint be made to him.

Law Society Complaints Bureau

Serious complaints of lawyer misconduct can be made to our regulating body, the Law Society of Upper Canada (LSUC). Details of the complaints procedure can be obtained at the LSUC website, <http://www.lsuc.on.ca>.

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