



Standing strong

*When you're faced with a particularly challenging client, it can be daunting to think about either asking them to change their behaviour, or ceasing to act for them. But, says **Gary Richards**, sometimes this is exactly what you need to do*

When clients are extremely demanding and / or poor payers, lawyers face difficult choices, especially in this current competitive marketplace. In many cases, lawyers choose the unhealthy option of simply suffering and complaining. But there are three, healthier alternatives: change the situation, accept it, or leave as it is.

Obviously, all three involve financial risks which could have an impact on not only you, but also your entire firm, so consult with appropriate colleagues and senior management before taking any action.

OPTION 1: CHANGE THE SITUATION

If the situation is simply not acceptable, then the best first step could be to try to change it. The simplest and least controversial approaches are strictly internal ones that do not require discussion with the client, such as applying legal project management methods to increase efficiency and client satisfaction, or brainstorming with others in your firm about actions you or your practice group could take.

If changing the situation requires negotiating with the client to alter what they are doing, remember that this is not free of risk in a competitive marketplace; the way you pursue this option, if indeed you do, depends on the size and nature of the client, and the business objectives of your firm.

If you decide to pursue a strategy of change with the client, you could consider calling in the managing partner or practice group leader to appeal to a more senior representative for your client than your present contact. Obviously, that step must be taken very carefully, if at all, since escalating the problem could backfire.

If you wish to handle this yourself, you could begin with the script below. Even if the client does not agree to help, it will provide you with clarity on how they value the relationship, and point the way towards your best next steps.

1. I need your help on [topic / issue].
2. When [the recent, undesirable event] occurs, the result is [undesirable result].
3. My concern about that is [negative situation, feelings, predicament etc].
4. Can you commit to [proposed different / improved actions you want the listener to take]?
5. Thanks for agreeing to help me in this way. I look forward to working with you in future.

Of course, if your client does not agree to the proposed steps, or some other mutually satisfactory solution, then you must re-evaluate the relationship, and whether it is worth the frustration and lost income.

OPTION 2: ACCEPT THE SITUATION

If you decide you need the work and are not in a position to negotiate a change in what your client is doing, or you try to change the situation without success, then ask yourself whether there are sufficient reasons to accept things as they stand, such as one of the following.

- We have little chance to replace this business with more profitable similar business.

- We have little likelihood of getting more profitable other business of this calibre or size.
- We need this client's payments (even if they have a poor payment record) to cover firm overheads.
- We need this work to keep our people busy.

If you decide to take no action and accept the client on its own terms, keep these reasons in mind to help you cope better the next time a challenging situation arises.

OPTION 3: LEAVE THE SITUATION

If it is too costly to accept the situation, and all your efforts to change it fail, you may have no choice but to notify the client that you will not be able to handle any further business from them if the issue occurs again.

This will be a tough decision, but these are challenging times which require tough decisions. Using any one of the three options described above to help make a business decision for the firm is better than the unhealthy alternative of suffering and complaining.



Gary Richards is a law firm consultant in the US, a certified legal project manager, and CLE instructor in practice management topics. He is also author of *Time Management for Lawyers* (Thriving in Law Institute, 2013). A longer version of this article first appeared on the blog on the LegalBizDev website (www.legalbizdev.com)

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