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The Unruly Client

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While inevitable struggles confront many attorneys during litigation, some of the most common issues that arise during this process to trial do not come about between opposing counsel, but behind the scenes with one's own client. The following assesses the warning signs that an attorney should survey from both the plaintiff and defense sides for those clients who may be involved in personal injury cases, and more specifically, the typical car crash case. Issues relating to the duties owed to unruly clients may appear and be avoided as early as initial engagement all the way up to trial. In these types of cases, attorneys must remain on alert starting with the initial engagement, anticipate client dilemmas that arise during the discovery process, and finally, remind their clients to stay calm during trial. Keeping these concepts in mind can prevent issues the attorney might face and lead to a more trusting relationship with one's client.

I. The Initial Engagement

Before any formal relationship with a client begins, an attorney must sit down with the client before proceeding with the representation. The initial engagement meeting with a client may reveal several conflicts that could arise regarding the ethical duties that may be due to the client. These issues largely include the early signs of a client that may not be the best fit with the attorney and the conflicts of representation. An attorney should set up a preliminary meeting for every new client to describe their own "roadmap" of their unique case. If precautionary steps are taken early on in this process, dilemmas with clients can be avoided by simply denying representation early on or setting clear expectations.

Early Warning Signs

Ultimately, human beings handling their own, personal, difficult situations can be more strenuous to work with. Considering plaintiff cases, the attorney must be on high alert during sign-up to recognize the conflicts and, generally, if the attorney-client relationship may not work best together. Not only should the attorney consider the client themselves, but the magnitude of the case itself. Plaintiff attorneys should assess their competence and resources to be able to represent such a case considering its subject matter or complexity as required by Texas Disciplinary Rules of Professional Conduct Rule 1.01. Comment 2 of Rule 1.01 states "[i]n determining whether a matter is beyond a lawyer's competence, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience in the field in question, the preparation and study the lawyer will be able to give the matter, and whether it is feasible either to refer the matter to or associate a lawyer of established competence in the field in question." Tex. R. Disc. P. § 1.01 Comment 2. Rule 1.02(b) addresses the scope of an attorney's representation and allows an attorney to limit the scope of representation during the initial meeting with the client's consent. Tex. R. Disc. P. § 1.02(b).

Starting with the client, it may be difficult to tell if a client is going through a stressful time at the beginning of the case or if the attorney really may not be the right fit for that client. Some warning signs for clients that may present difficulties include that if that client is attempting to sell the attorney on their case and explain how much it may be worth. Generally, caution should be taken if clients are

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