

Managing Conflicts

How to Deal with a Toxic Client

by Mark Goulston

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Law firms have a hard-earned reputation for being really tough places to work. Today I see an increasing amount of toxicity in those firms. Over the past couple of decades, I've met with partners and managing partners at regional and national law firms, who have not infrequently found themselves bullied by greedy, selfish, entitled, angry clients or even other partners.

Why are law firms such toxic places to work? While there is no shortage of obnoxious lawyers in firms (and sadly too often these "shrieking wheels" get the grease and a promotion), in many cases the clients set the tone. When they are not able to push back on or fire these clients, partners will often take it out by "kicking the dog" in the form of yelling at their associates or staff. I've even seen some turn to drugs, alcohol and a variety of unhealthy habits to redirect their frustration. The fact is that as much as there are some clients that law firms would do well to turn away or fire, they won't. They're just too profitable.

Whether you're dealing with law firm clients, or any difficult client in any industry, what is the best way to deal with such clients to prevent them from abusing you — and to prevent you from taking that frustration out on someone else?

Start by planning for the worst. Expect such people to act awful, especially when they're not getting their way.

Go into the conversation holding a little of yourself back; when they reach that "tipping point" into toxicity, you won't be blindsided. Prepare for that knock-out punch insult by saying to yourself, "Here it comes." Then take a deep breath, look them straight in their left eye (which is attached to their right emotional brain), pause until they realize they haven't provoked you into losing your cool (even if they say something else to insult you) and then select one of the following replies:

- "Say that again?"
- "Do you really believe what you just said?"
- "Huh?" (as in, "Excuse me")
- "What was that all about?" (said the way a big brother or big sister might say with an almost affectionate, playful tone of incredulity)
- Or one of my favorites: "Excuse me, I apologize, but my mind wandered over the past few minutes, can you please repeat what you just said?"

If they see that you didn't flinch from something that was supposed to knock you out, you may notice their not quite knowing what to do. (A lot of what I learned about dealing with difficult people I learned from dealing with F. Lee Bailey during the O.J. Simpson trial.)

However, an ounce of preparation is worth a pound of abuse. Even if you keep your cool in the situation above, you'll still find it very stressful. An even better approach is to **prepare with difficult clients for the inevitable time you'll have bad news to deliver**. If you wait until crap happens (and it will), the likelihood of your conversation turning into a combative conversation is high and the ability for people to listen to each other when both are reacting is very small.

Take a preemptive approach by saying to your client, “Going forward, in the event I have to tell you about a bump and obstacle or setback, what is the best way to tell you?” They probably haven’t been asked before, and may have never given it any thought. If they’re not sure what to say, you can continue with something like: “My other clients have told me such things as, don’t do it by email; don’t tell me on a Friday; when you tell me, tell me what happened, your understanding of it, the implications of it, what options we have and why those, what solutions you’d suggest and why those, and what you need from me to make the best of it and get it back on the rails. What works for you?”

After they reply, say, “This is much too important for me to not get exactly right, because in the event we need to have such a conversation, I want to do it exactly as you have suggested.” At that point repeat back exactly what they told you and ask them if you got it right and wait for them to respond with, “Yes.” If they change what you have said, repeat those changes back to them.

Then when you hit that bump, remind them of this conversation by saying, “I’m not sure if you remember a conversation we had about how to best communicate with you about bumps in the road and if memory serves, you gave me these guidelines (then repeat what they told you above) and we’ve hit one of those bumps (and then follow exactly what they explained as the best way to communicate with them in such a situation).

It amazing how having had a preemptive conversation can make it easier to approach — instead of avoid — the conflict you feel about delivering upsetting news.

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