



# PROFESSIONAL COUNSEL<sup>®</sup>

Advice and Insight into the Practice of Law<sup>®</sup>

## When Clients Cross the Line: Ethical Exits and Safety Strategies for Lawyers

The attorney-client relationship is built on trust, communication, and mutual respect. However, not all client relationships are smooth. Some clients may become adversarial, refusing to follow legal strategy, filing disciplinary grievances, or even threatening the attorney's personal safety. These situations are not only emotionally taxing but also raise serious ethical and professional concerns. This article provides guidance for lawyers on how to manage clients who pose threats, challenge strategic decisions, or threaten disciplinary or legal malpractice actions.

### When Clients Reject Your Strategy Decisions

Under Rule 1.2(a) of the American Bar Association's ("ABA") Model Rules of Professional Conduct, the client has the final say on the *objectives* of the representation such as whether to settle a case, accept a plea deal, or pursue an appeal. However, the *means* by which those objectives are pursued, i.e., the legal strategy, are generally within the lawyer's professional discretion.<sup>1</sup>

This division of authority is designed to respect the client's autonomy while recognizing the lawyer's expertise. But in practice, the line can blur, especially when clients insist on filing frivolous motions, demand aggressive tactics that are legally unsound, refuse to follow advice on settlement or trial strategy, or attempt to micromanage litigation or negotiation. These disagreements can strain the relationship and, if not managed properly, lead to further problems.

How can attorneys best manage strategic disagreements between themselves and their clients? First, set expectations early. During the intake process, clarify the scope of the representation, the division of roles, and the decision-making authority: the client sets the goals, but you control the legal tactics, and include this in your engagement letter or fee agreement. You can refer back to this language and reiterate this boundary when disagreements arise.<sup>2</sup>

Second, you will want to communicate clearly and keep the client reasonably informed. Not only are you obligated to do so under ABA Model Rule 1.4, it will also assist with the attorney-client relationship.<sup>3</sup> When clients reject your strategy, you may want to take time to explain the legal reasoning behind your approach, and depending on the sophistication of the client, using plain language and analogies to bridge knowledge gaps. Patience is a virtue; however, you will also need to be firm. Clients may need reassurance, not capitulation.

<sup>2</sup> Please refer to the following CNA publications for further information: "[Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship](#)" and "[Are You Ready to Commit: Client Intake & Proper Client Selection](#)."

<sup>3</sup> See, ABA Model Rule of Professional Conduct 1.4.

<sup>1</sup> ABA Model Rule of Professional Conduct Rule 1.2(a).

Third, it is critical that you document all advice and strategic recommendations given to the client. As the old adage goes, if it is not written down, it didn't happen. Keep a written record of all major strategic discussions, including what was advised, the client's response, and the rationale behind your recommendation. Memorialize the conversation using an email summary or a formal letter to confirm conversations, especially when the client disagrees or refuses to follow your advice, and request that the client acknowledge the letter and/or explain if the letter differs from their understanding. This documentation can be critical if the client later alleges malpractice or files a disciplinary grievance.

Lastly, know when to say no or withdraw. If a client insists on a course of action that is illegal or unethical (e.g., fabricating evidence, misleading the court), you must refuse under ABA Model Rule 1.2(d).<sup>4</sup> If the client suggests options that are unreasonable or impractical, you are not obligated to follow them, and may consider withdrawal under ABA Model Rule 1.16(b)(2) (client persists in criminal or fraudulent conduct) or (b)(4) (client insists on action the lawyer finds repugnant or fundamentally disagrees with).<sup>5</sup> For more information on withdrawal from a client matter, see CNA article, *"Plan Your Route Before Getting Out: Attorney Withdrawal."*

There are times when a client's refusal to follow your strategy is more than a disagreement; it becomes an ethical or professional hazard. For example, a client demands that you file a motion you know has no legal basis in fact or law; a client refuses to authorize a settlement that is clearly in their best interest, based on emotion or misinformation; or a client insists on testifying in a way that you believe is false or misleading. In these situations, it may be best to withdraw from the representation if the client's conduct makes continued representation untenable.

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### Threats of Disciplinary Grievances or Legal Malpractice Claims<sup>6</sup>

In addition to declining to follow strategic decisions that are in their best interest, clients may threaten to file a disciplinary grievance or malpractice claim as a form of leverage. For example, to pressure the attorney into taking certain actions, reducing fees, or avoiding withdrawal. While many such threats are baseless and unfounded, they must be taken seriously due to the potential reputational and legal consequences and handled with care.

The first place to start is to maintain professionalism in all communications and avoid retaliatory or emotional responses, which could escalate the situation or be used as Exhibit A in any proceeding against you. This is easier said than done, especially when you have worked diligently for this client and the complaint lodged against you is meritless and is taking valuable time away from other clients. Vitriolic responses to the client will only exacerbate the situation. Remember to pause, deal with the situation objectively, and then you can better respond effectively and without emotion. By remaining calm, you are likely to garner helpful information from that angry client and have a better understanding of the alleged dispute.

The next step is to get your client file in order. Create a timeline of your interactions with the client, including time/billing records, all communications with the client, notes to file, etc. Understanding the sequence of events will better equip you to address your client's concerns and prepare an effective response if a formal complaint or malpractice claim materializes.

Next, review your malpractice policy. Most policies require you to notify the insurer if you become aware of an error that could lead to a claim, even if no grievance or lawsuit has been filed. Further, many policies also cover disciplinary complaints, not just malpractice suits.

In these situations, you will want to maintain professionalism in all communications. ABA Model Rule 1.16(b)(5) allows withdrawal if the client fails to fulfill obligations to the lawyer and has been given reasonable warning. A client who threatens litigation or refuses to cooperate may meet this standard.<sup>7</sup> It is important to follow all local and court rules when withdrawing from a client matter so as not to create a legal malpractice risk or disciplinary exposure.

<sup>4</sup> See, ABA Model Rule of Professional Conduct 1.2(d).

<sup>5</sup> See, ABA Model Rule of Professional Conduct 1.16.

<sup>6</sup> Two resources to review are CNA articles *"Ten Tips to Assist in Avoiding a Malpractice Claim"* and *"How to Handle An Ethics Grievance."*

<sup>7</sup> Id.

## Recognizing the Risk: When Clients Become Dangerous

Unfortunately, there are times when the disagreement over strategy is something else entirely. Threats from clients can manifest in a variety of ways, some overt, others more subtle. These can include:

- **Verbal abuse:** Yelling, insults, or degrading language during meetings or phone calls.
- **Written threats:** Hostile emails, texts, or letters that imply harm or retaliation.
- **Physical intimidation:** Aggressive body language, showing up unannounced at your office or home, or making veiled threats.
- **Cyber harassment:** Doxxing,<sup>8</sup> online defamation, or threats via social media.<sup>9</sup>
- **Indirect threats:** Statements like “You’ll regret this” or “I know where you live,” which may not be explicit but are clearly menacing.

Even if a client has no known history of violence, every threat must be taken seriously. Trust your instincts. Lawyers are not immune to the risks of workplace violence, and the power imbalance in the attorney-client relationship can sometimes lead to dangerous dynamics, especially when clients feel desperate, cornered, or betrayed. When a threat arises, your response should be swift, strategic, and well-documented. Best practices in these types of situations are as follows:

### 1. Ensure Your Immediate Safety

- If you feel physically threatened or unsafe, leave the situation immediately.
- Call 911 or local law enforcement if the threat is imminent or if the client is physically present and behaving aggressively.
- Consider implementing office safety protocols, such as panic buttons, secure entry systems, or meeting clients only in public or monitored spaces.

### 2. Document the Incident Thoroughly

- Keep a contemporaneous written record of the incident, including dates, times, exact language used, and any witnesses.
- Save all emails, voicemails, texts, or social media messages that contain threats or abusive language.
- If the threat was made in person or over the phone, write a detailed memo to file immediately afterward.

### 3. Notify Your Malpractice Carrier

- Most malpractice insurance policies require prompt notice of any incident that could give rise to a claim even if no formal complaint has been filed.
- Early notification allows your insurer to provide guidance, assign counsel if needed, and preserve your coverage.
- Some insurers also offer risk management hotlines who can provide guidance.

### 4. Consider Seeking a Protective Order

- If the client’s behavior escalates or you fear for your safety, consult with a lawyer about obtaining a restraining order or order of protection.
- In some jurisdictions, courts may issue protective orders even in the absence of physical violence if there is a credible threat.

### 5. Alert Your Firm or Colleagues

- If you work in a firm, notify your managing partner, Human Resources department, or security personnel.
- If you are a solo practitioner, consider informing a trusted colleague or local bar association for support and guidance.

### 6. Withdraw

- ABA Model Rule 1.16(b)(6) states that a lawyer may withdraw from representation if “the representation has been rendered unreasonably difficult by the client.”<sup>10</sup> Threats to your personal safety or well-being clearly meet this standard.
- When withdrawing due to threats, you need to remember that ABA Model Rule 1.6(a) also applies and you cannot disclose the threat in detail unless necessary and permitted under Rule 1.6(b)(1), which allows limited disclosure to prevent reasonably certain death or substantial bodily harm.<sup>11</sup>
- Comply with all court mandated withdrawal procedures, including notice to the client, return of client property, and cooperation in transitioning the case.
- Even in the face of threats, you must not abandon the client matter and take reasonable steps to protect the client’s interests during the withdrawal process.

<sup>8</sup> Doxxing (or doxxing) is the action or process of collecting and disseminating someone’s personal information in order to shame, embarrass, expose or intimidate them. This information can come from private sources but is often obtained from public records. See, “*Resources for Individuals on the Threat of Doxxing*.”

<sup>9</sup> For more information, please see CNA article, “*He Said What?! Responding to Negative Online Reviews*.”

<sup>10</sup> ABA Model Rule of Professional Conduct 1.16(b)(6).

<sup>11</sup> See, ABA Model Rules of Professional Conduct 1.6(a) and 1.6(b)(1).

## Conclusion

Difficult clients are an unfortunate reality of legal practice. When clients threaten your safety, challenge your strategy, or weaponize the grievance process, it's essential to respond ethically, strategically, and with self-protection in mind. The ABA Model Rules of Professional Conduct provide a roadmap for navigating these challenges. By setting clear boundaries, documenting interactions, and knowing when and how to withdraw, lawyers can protect themselves while upholding their professional obligations. If you are facing a threatening or unmanageable client, do not handle it alone. Consult your malpractice carrier, state bar, seek peer support, and prioritize your safety and ethical responsibilities.

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