



Clients with special needs

Attorneys need to adopt specific strategies to represent special needs clients successfully. The payoff for your efforts will be bigger than your fee.

BY GERALDINE LEWIS

Every attorney has a story about “the worst client in the world” or the most difficult, and most attorneys have developed ways to recognize and deal with these clients. Then there is the group of clients whose special needs are obvious due to their physical disabilities, such as the blind or deaf, and there are specific ways to facilitate communication with these clients.

However, there is another group of clients that present unique problems for the attorney who wishes to represent them. These clients have emotional disorders, literacy problems, post-traumatic stress disorder or a traumatic brain injury. While they present special challenges for the attorney, developing specific strategies can result in successful representation of these clients, a feat worth achieving.

Personality disorders

Perhaps the most challenging group of clients is comprised of those who suffer from personality disorders. The Diagnostic and Statistical Manual (DSM-IVR) lists 10 personality disorders, which include *borderline*, *anti-social* and *narcissistic*, among others. The Borderline Personality Disorder (BPD) is the most difficult to deal with, once it is identified. Therein lies the rub. The BPD can be a very intelligent, educated individual who makes a highly credible first impression. However, the BPD person can soon reduce the attorney to feeling like he or she is “being held hostage,” as Dr. Martin

Williams describes the problem. Dr. Williams, a clinical psychologist who has over 30 years of clinical experience, is often called upon as an expert witness on post-traumatic stress disorder and Borderline Personality Disorder (BPD.)

Dr. Williams explains that a person with BPD will put you on a pedestal at first. Then the relationship can deteriorate to the point where you feel trapped, that you cannot say no to the client’s increasing demands for your time and attention. “These are people who will follow through on their threats of making complaints to the bar association or filing a malpractice complaint,” says Williams. His advice to attorneys is to establish guidelines early in the representation and to maintain boundaries with clients like this, who are often eager to cross that line.

Dr. Daniel Kupper, Ph.D., in his paper, *Borderline Personality Disorder and the Attorney-Client Relationship: Managing the Difficult Legal Client to Maximize Positive Outcomes*, states that persons with BPD are often compelled to seek legal redress and therefore, are frequently looking for attorneys to represent them. They may exhibit inappropriate behavior, ranging from being anxious and needy to being hostile or seductive. Kupper agrees with Williams that the relationship will deteriorate as the BPD person begins to find fault with the attorney who, at first, the BPD person idealized.

In order to deal effectively with this type of client, attorneys must be careful not to lose their sense of professional

boundaries. The BPD client will use seduction and flattery to break down the boundaries. All the employees of the firm must monitor their feelings with regard to this type of client and being aware of these feelings, shape their interactions accordingly.

The person with BPD can easily feel overwhelmed and endangered. Kupper states that the best way to address these feelings is to check in with the client and make sure that the client understands you. Kupper also warns against trying to avoid conflict with this type of client. When you have to impart negative information, do so clearly and calmly. BPD clients will look for any indication that you are withholding information and will use that to bolster their feelings of being victimized, which can result in their filing complaints against the attorney they have now come to regard as the enemy.

Maintaining appropriate professional boundaries and keeping communications calm, clear and precise can help to mitigate adverse reactions with a borderline personality individual. Rules must be clear and consistently enforced with regard to when the client can call the attorney and how often, when calls will be returned and how frequently the attorney will meet with the client. These strategies will work well with other personality disorders, which are less volatile as a rule. While the BPD client requires special handling, the payoff will be a successful legal representation. However, mishandling this client may easily result in serious professional consequences for the attorney.



Literacy problems

Remember reading *Pennoyer v. Neff*, 95 U.S. 714, 1877, in first-year Civil Procedure? I do. I considered myself a well-educated, intelligent individual up to that point. Suddenly I was contemplating some archaic language that was trying to pass itself off as English, and I could feel the frustration well up. It practically reduced me to tears. I was supposed to be able to not only read, but also analyze this jumble of words by the next morning.

This, I think, is the closest many of us come to understanding the frustration, fear and even anger, of those who cannot read well enough to understand legal documents, applications and other written detritus required of them in this modern world.

While many of your clients may appear to navigate satisfactorily in the real world, that does not mean that they can read what you put in front of them. Also, do not expect them to admit to that. Being in a lawyer's office is intimidating enough and adults who have difficulty reading have amassed a myriad of ways to cover up their problem.

As a result, you have to be part detective and be very sensitive to your client's need to protect his or her pride. If the client seems confused by papers you have thrust in front of him or her, has difficulty filling out forms or following instructions or acts frustrated and in a hurry to leave, you might consider that the task of reading the documents and completing the forms is overwhelming.

You can meet your client's needs by adapting your strategies to accommodate the illiterate client. Moreover, you might find that all your clients will benefit from these ideas. (The following suggestions are from the *Lawyers for Literacy Booklet*, found at www.plainlanguagenetwork.org/LawyersForLiteracy):

- Assure the client that "everyone" finds legalese difficult to understand.
- Translate the document into plain English for your client.

Internet resources

• National Alliance on Mental Illness (NAMI) at www.nami.org

NAMI is an excellent resource for PTSD, TBI and personality disorders. The information on these conditions is helpful, both to the client and to the attorney.

PTSD Resources

- National Center for PTSD at www.ncptsd.va.gov
- www.patiencepress.com

These Web sites have excellent information and can direct you to a variety of additional resources.

Adult Literacy

There are numerous resources located at your local public library, high school and community college.

- Northern California Literacy Coalition at www.literacyworks.org
- The Plain Language Committee of Law Practice Management Section of the Canadian Bar has excellent resources at <http://www.plainlanguagenetwork.org/LawyersForLiteracy/>
- **Plain Language Legal Writing**
<http://www.plainlanguagenetwork.org/Legal/>

- Summarize the important points in the document.
- Make sure the client feels comfortable asking questions.
- Offer to tape important information for the client.
- Read a copy of the document to the client so the client can "follow along."
- Summarize discussions before the client leaves the office.
- Have your office staff call the client to remind them of appointments and other important information.
- Encourage the client to bring a support person to meetings.
- Help the client keep information and copies of documents organized.
- Use visual aids and graphics as much as possible.
- Ask the client if there is anything else that you can do to facilitate communication.

Post traumatic stress disorder

One result of the Iraq War is we are all more familiar with the terms Post-traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI). If you have a client that suffers from combat related PTSD or TBI, there are steps you

can take to help the client through the stages of his or her case, while addressing the special needs that each of these conditions present.

Dr. Kevin Mack is the clinical psychologist at the Ukiah Veterans Administration (VA) Outpatient Clinic and conducts individual and group therapy sessions with veterans from the Vietnam and Iraq Wars who suffer from PTSD and TBI. He emphasizes the importance of veterans getting to the VA for treatment for either of these conditions.

People with PTSD deal with a range of symptoms that they learn to manage, including intrusive thoughts, hypervigilance, sleep disturbances, irritability, angry outbursts, depression, difficulty concentrating and difficulty trusting. Frequently, veterans with PTSD will turn to drugs or alcohol to self-medicate in an attempt to alleviate the pain. Stressful situations will aggravate these symptoms, even if a client is on medication.

If a client suffers from PTSD, the attorney needs to take certain steps to help the client deal with the legal process, whatever the nature of the case is. It is important to educate the client about the litigation process so he or she can antici-



pate what is going to happen next. Keeping the client's anxiety levels low is the key to successfully managing this client. Meetings should be focused. The attorney needs to present information clearly and take care not to overwhelm the client with too much information at once. The most important objective is for the attorney to work to establish rapport and trust with this client. As Dr. Mack states, "It is a worthy investment."

Traumatic brain injury

A client who suffers from traumatic brain injury requires specific strategies, depending on whether his injury is mild, moderate or severe. In the case of the moderate brain injury, the client probably suffers from difficulty concentrating, memory difficulty, fatigue and irritability. The more severe the client's brain injury, the more severe the client's symptoms are.

It is important for the attorney who works with the TBI client to go slow. Cover only one topic at a time or one task at a time. Each session should focus

on only one topic. For example, in a divorce case, one session could be devoted to custody issues, another to finances. The attorney should determine the segment depending on what the client can handle.

Additionally, it is important to help the TBI client organize the documents and information that you give them regarding their case. You should help your TBI clients schedule meetings and court appearances. Make very clear what information the TBI client may need to bring to each meeting. Continuances can be very helpful. Dr. Mack states that the more time this type of client has, the better they will do.

Client accommodations lead to successful results

Clients with special needs require attorneys to make accommodations to insure successful representation. Communication is the key, but each type of client needs different strategies to help them do well during the litigation

process. As an attorney, you will need to give careful thought to each session and how you will present your information. The more information you have about your client's condition, the more successful you will be in representing your client.

How do you do this? The Internet has a number of excellent Web sites that can educate you on these conditions. Additionally, you may want to consult with a mental health professional who can give you specific advice related to your client's condition.

By taking the time to educate yourself and your staff about how to handle these clients, you will create a positive attorney-client relationship. While clients with special needs may demand more time and effort on your part, the emotional paycheck you will receive will far exceed your fee.

Geraldine Lewis lives and works in the heart of the Redwoods at Willits, CA. She is an attorney and freelance writer. She has just put the finishing touches on her second novel.