

Managing the Angry Client 101

Telling clients "do not get angry" only makes things worse; they must feel that you understand their position

By Noelle C. Nelson

When preparing clients for deposition or trial, I frequently encounter clients who are so angry that the anger comes spouting forth just about all the time, or clients who are easily rendered defensive and then rapidly become angry. Neither one of these responses is good for your case. Unfortunately, many lawyers do not know how to handle angry clients. Too often, they only add fuel to the fire by unwittingly making suggestions that further cause more anger.

For example, telling clients not to get angry (without giving them the tools to remain calm) usually only causes clients to "sit" on their anger, then blow up even more dramatically later on.

Telling clients "it's going to be OK, you don't have to get angry here" does nothing to genuinely reassure them. Despite your clients' intellectual acceptance of such a statement, their emotions have not been addressed. Clients will subsequently find "just reason" to get angry somewhere down the line (and there goes their good testimony you needed to win the case).

Clients feel wronged and believe they have every right to their anger. Instead of trying to squelch those emotions, (which never works), redirect it so that your clients' anger serves rather than hurts the case.

Acknowledge and respect client anger

The first step in redirecting client anger is to acknowledge the anger. There is nothing pleasant about suing or being sued, prosecuting or being prosecuted. Don't attempt to get your clients to relax, lighten up or calm down by telling them to do so. They feel their anger is totally justified. Maintain a serious demeanor. It is not your job to make your clients cheerful. You need their trust and cooperation, not their good humor. To earn their trust, respect their anger.

Respect means to really hear your clients' anger. Acknowledge the anger by reflecting it until your clients calm down on their own, at which point, you will know they feel emotionally validated.

For example, here is how a lawyer can prepare his angry client for deposition.

Lawyer: "On the application you filled out to the insurance company you say that you couldn't work at all. You were 100 percent disabled. In fact, you were working for your brother-in-law, Bob, then weren't you?"

Client (blowing up): "How many times do I have to go through this? Do you know how little disability I was receiving? I needed money. The kids needed things; the car payment was overdue. What am I supposed to do, sit on my thumbs? Yes, I worked – in pain and miserable – and for just a few dollars. And it was family! Nobody else would have hired me. I couldn't do anything. Certainly not any real work."



Lawyer (acknowledging and reflecting the client's anger): "You felt trapped, caught between a rock and a hard place. You didn't feel like you had any alternatives."

Client (calming down): "You're darned right I did. I did not know what to do. So, yes, I worked for Bob."

If your client responds quickly to your acknowledgment, as in the above example, you can move on. If not, keep asking questions and acknowledging the anger until the client calms down. Clients will not let go of their anger until they feel you understand their position. Once they feel emotionally validated, your clients will, in all likelihood, be willing to follow your suggestions on what to do with that anger.

Deposition

Explain that deposition is a formalized approach to answering questions asked by opposing counsel. It is not the opportunity for clients to tell their story. This last point is critical. One of the main reason clients get defensive or angry during deposition is their mistaken belief that deposition is the time, probably the only time, they will ever get to tell their story. Therefore they come "loaded for bear," wanting to make sure their version of the story gets across, emotions and all.

Reassure clients that their version of the story will be told. Even if the case goes directly to a settlement conference after

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deposition, your settlement brief will contain their story, which you will reinforce verbally during the settlement conference.

Trial

When preparing clients for trial, tell them that you are their advocate and are responsible for seeing to it that their anger is expressed. Explain to them that during your opening statement and closing argument, you will make sure their "righteousness" comes across. Explain further that you will, during direct examination, ask questions that allow an appropriate forum for their distress.

As odd as it may sound to your clients, defending and justifying is not their job; it's your job. Your clients' job is to clarify and explain and stick to "just the facts."

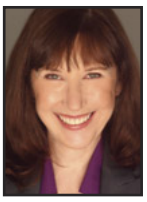
There will be times on the stand, especially during cross-examination, when your clients will feel anger rise up. Give them specific anger management techniques to use for these occasions. Impress upon them that anger and defensiveness lose cases.

One technique is to always take a pause before answering a question. This will give them time to think before answering (a wise thing to do before all questions) and will give them a safety net when anger arises.

During this pause, tell your clients to breathe deeply a minimum of three times, allowing the anger to dissipate with every exhale. Then, and only then, if the anger truly has abated, should they attempt to answer.

Have your clients practice this technique with you. Ask a colleague to ask questions of them in role-play deliberately designed to rile them. Then work on the breathing technique until you are secure it has been mastered.

Reassuring your clients that their anger will have a "voice" is far more effective than just telling clients to "not get angry."


Nelson

Noelle C. Nelson, Ph.D. is a trial consultant who specializes in trial strategy, witness preparation and focus groups. She is the author of "A Winning Case" (Prentice Hall), "Connecting With Your Client" (ABA), and "101 Winning Tips: How to Give a Good Deposition and Testify Well in Court" (MindLab Publishing). www.noellenelson.com. E-mail: nnelson@dr.noellenelson.com.

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