



**BAR  
COUNSEL  
INSIDER**

**Clients and  
Communication**

*Bar Counsel Insider aims to provide practical and important information to State Bar members about ethics and the disciplinary process.*

Lawyers care deeply about their work and their responsibilities to their clients. Many attorneys get into trouble with discipline not because they ignore their clients or abandon their responsibilities. Rather, they get into trouble because they work intensely to help a client and get overextended or lose perspective in the representation.

A simple example is an attorney who misses a deadline or fails to respond to a motion. Instead of saying simply, "I screwed up, this is what I will do to fix it," the lawyer deflects responsibility by blaming the opposing attorney or the court, or he simply does not tell the client. The attorney continues to try to fix the problem without telling the client. Inevitably, the client finds out and feels betrayed. An act that may be just a malpractice issue turns into a bar complaint and possibly a sanction.

Attorneys who find themselves in these kinds of situations should stop and think about how they got there:

- Do you need to learn to say no to new clients when you already have a full plate?
- Have you learned to trust your gut instincts about whether to take on more work?

Remember: An ounce of prevention is worth a pound of cure. That "cure," however, is communication. Promptly sharing information with the client often will prevent or minimize problems for the attorney. Manage client expectations, deliver bad news promptly, admit mistakes and tell the client what you will do to fix them.

This approach may not insulate one fully, but a client appreciates an attorney who communicates in an open and honest manner. That client will forgive human error.

*You can always contact the State Bar's Ethics Hotline at (602) 340-7284.*