

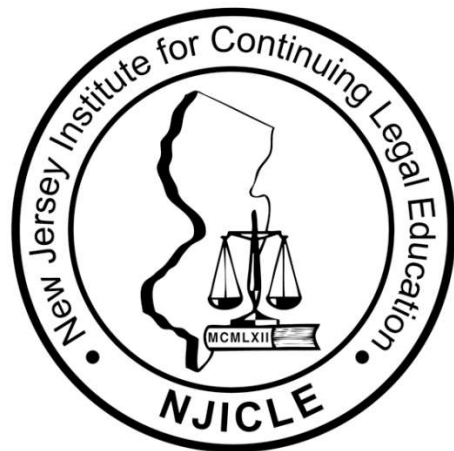
DEALING WITH DIFFICULT CLIENTS AND IMPOSSIBLE ADVERSARIES – THE 2022 EDITION

2022 Seminar Material

M0251.22

New Jersey Institute for
Continuing Legal Education

A Division of the State Bar Association
NJICLE.com



This page intentionally left blank



DEALING WITH DIFFICULT CLIENTS AND IMPOSSIBLE ADVERSARIES – THE 2022 EDITION

Speakers

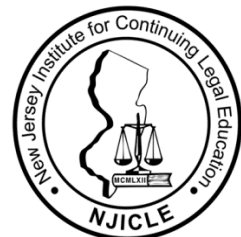
Ramon Ortiz, Esq.

*New Jersey Lawyers Assistance Program
(New Brunswick)*

Nancy Stek, M.S., CSW, LCADC

*New Jersey Lawyers Assistance Program
(New Brunswick)*

M0251.22



© 2022 New Jersey State Bar Association. All rights reserved. Any copying of material herein, in whole or in part, and by any means without written permission is prohibited. Requests for such permission should be sent to NJICLE, a Division of the New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520.

Table of Contents

	<u>Page</u>
Working With the Difficult Client (and Impossible Adversaries) Understanding How Personality Plays a Role PowerPoint Presentation Ramon Ortiz, Esq. Nancy Stek, MS, LCADC	1
About the Panelists...	41

This page intentionally left blank



Working With the Difficult Client

(and Impossible Adversaries)

Understanding How Personality Plays a Role



NJ Lawyers Assistance Program Staff:

Ramon Ortiz, Esq.

Nancy Stek, MS,LCADC

NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org • info@njlap.org



*The New Jersey Lawyers Assistance Program is a **free and confidential** resource assisting all NJ Judges, Lawyers, Law Students, and Law Graduates to achieve and maintain personal and professional well-being.*

www.NJLAP.org
800-246-5527

Broad Range of Concerns

- ✓ Alcohol and Drug Abuse –including prescription drugs
- ✓ Depression/Anxiety
- ✓ Balancing Work and Family
- ✓ Career Concerns
- ✓ Behavioral Addictions (Eating Disorders, Gambling, Internet, Sex)
- ✓ Marital & Family
- ✓ Stress and Burnout
- ✓ Wellness and Well-being
- ✓ Helping a colleague





“Hell is other people.”

Jean Paul Satre



Difficult clients take many different forms –

- running around with their hair on fire seeing everything as an emergency
- calling you on weekends and late at night to discuss pointless details
- making your staff cry from their constant tirades
- or they may simply be a poor fit for your practice

Lord Thomas Bingham

England's Greatest Judge



In the past, the law has tended to base it's approach... on a series of rather **crude working assumptions about human behavior:**

#1 Assumption:

Adults of competent mental capacity are free to choose whether they will act in one way or another

#2 Assumption:

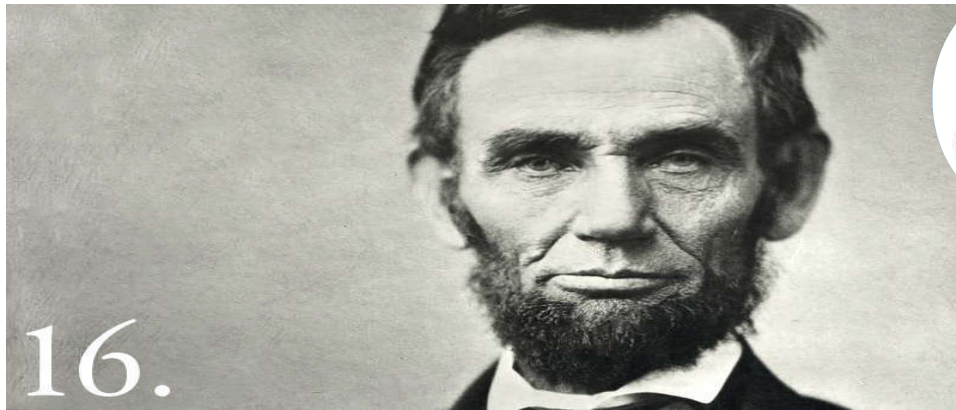
They are presumed to act rationally and in what they conceive to be their own bests interests

#3 Assumption

They are credited with foresight of the consequences of their actions as reasonable people in their position could ordinarily be expected to have

#4 Assumption

They are generally taken to mean what they say



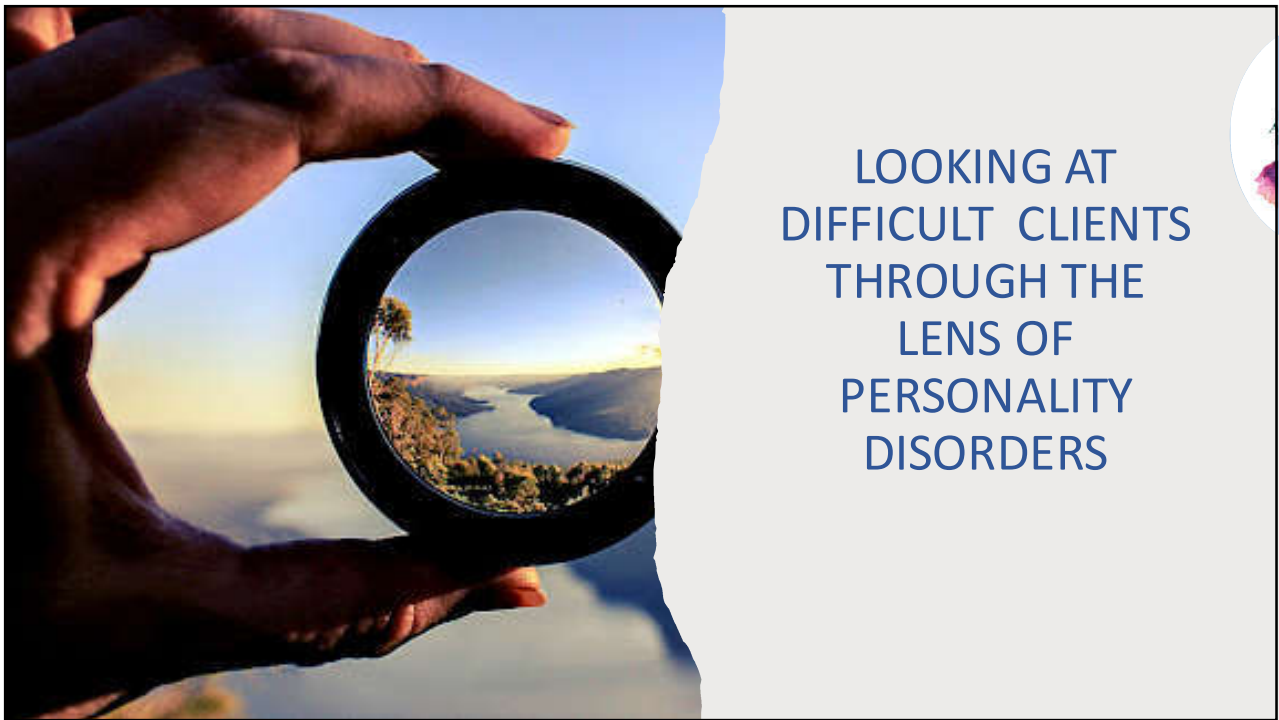
“It is more important to know what case not to take than it is to know the law”

~Abraham Lincoln

HERE ARE SOME COMMON TYPES OF DIFFICULT CLIENTS YOU MAY ENCOUNTER:

- **Party-member Patrick:** He can't make a single decision without consulting with someone else
- **Know-it-all Naomi:** She knows the law better than you do and she'll tell you everything you're doing wrong, at the top of her lungs, until you wonder why she's bothering to hire you in the first place
- **It's a simple Job James:** Declaring that everything is simple and easy and you won't have any trouble, while asking for a million complex issues to be addressed
- **Emergency Ed:** Everything needs to be done yesterday. Ed has no concept of the fact you have other clients and expects you to bend the space-time continuum to meet his impossible deadlines
- **Arguing-about-the-bill Alan:** He scrutinizes every detail of your invoice and tries to eke out as much free work as possible
- **Terrible Terry:** Terry screams on the phone at your staff and berates you in public over seemingly minor issues about your work. You sleep with one eye open

• **NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org • info@njlap.org**



General Characteristics

- Irresponsible
- Empathy deficits
- Problem solving deficits
- Odd, confusing problem presentation (unable to adequately define their problem)
- External locus of control/externally reactive
- Generate upset & internal conflict
- Exacting, rigid, self-righteous
- Presents as “victim”

General Characteristics (con't)

REMEMBER...

- View these clients/adversaries as individuals under stress

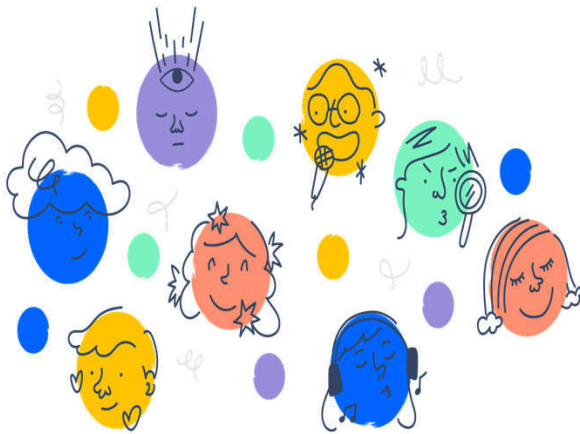
BUT...

- Also see them as “systems” (patterns of thinking, feeling, behaving) that activate/erupt when something is experienced as “wrong” in their perception, and their coping mechanisms and resources are being taxed and overwhelmed.

Unique characteristics of personality disorders (con't)

- NO OBSERVING EGO / third party witness
- Pattern of DRAMA instead of PROBLEM SOLVING

What is PERSONALITY?



Personality is the sum of characteristics and traits that defines a person's typical thoughts, emotions and behaviors over time.

• NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org • info@njlap.org

What are PERSONALITY DISORDERS ?



According to the American Psychiatric Association (2013)

“**Personality disorders** are associated with ways of thinking and feeling about oneself and others that significantly and adversely affect how an individual functions in many aspects of life.”

Multiple, linking causes:

- genetics, environment & lifestyle
- stressful job or home life
- traumatic life events
- Biochemical processes and circuits and basic brain structure may play a role, too.

A WORD ABOUT.....

TRANSFERENCE & COUNTERTRANSFERENCE

In the context of therapy, it refers to the patient's feelings for a significant person to the therapist.

Can show up as :

- attraction
- rage
- hatred
- mistrust
- parentification
- dependence



Is defined as the redirection of a therapist's feelings toward a patient. More generally, ***it is the therapist's emotional entanglement with a patient.***

This **awareness and attunement** to one's own countertransference is as important as understanding the patients' transference.

THIS DYNAMIC CAN BE PRESENT WITH LAWYERS AND CLIENTS.

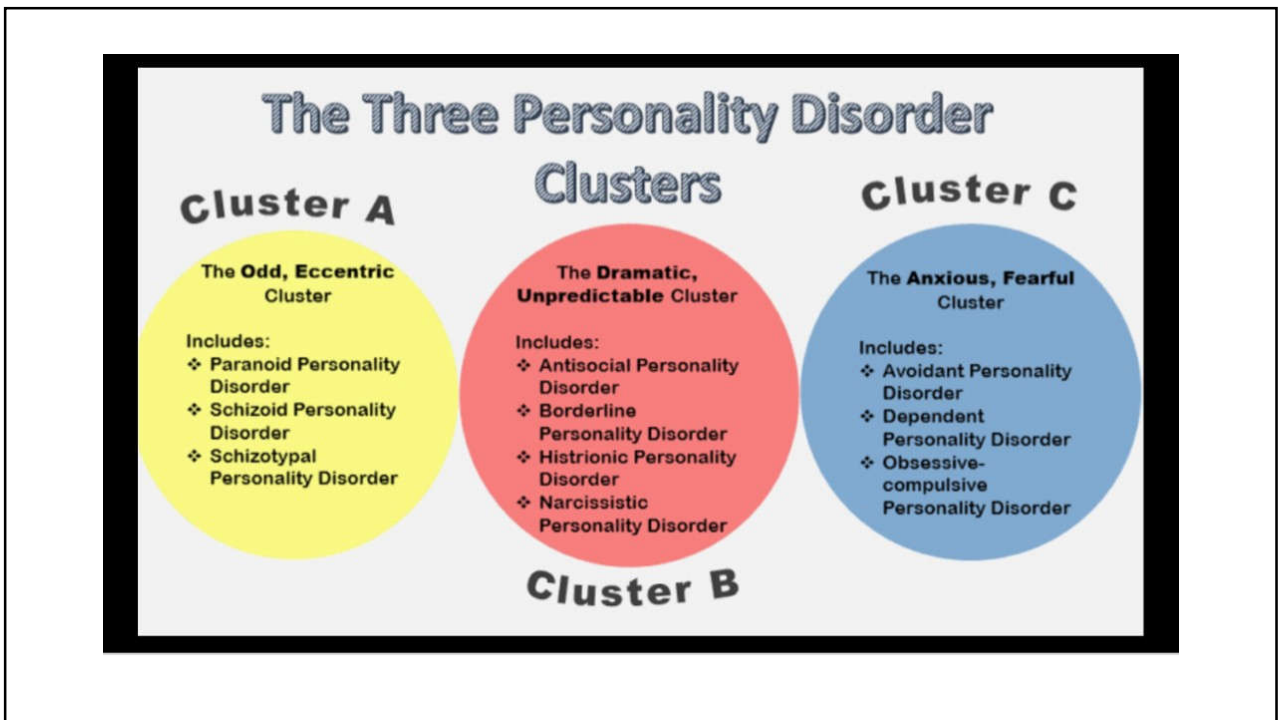
DEFINING FEATURES OF PERSONALITY DISORDERS

1. Distorted Cognition, Thinking patterns
2. Problematic Emotional Responses, Affect Regulation
3. Impulse Control
4. Interpersonal Difficulties

These features are **pervasive** and **enduring**
Must cause functional impairment or subjective distress

It is not your job to “diagnose” but identifying patterns and creating a framework can help you choose helpful, conscious responses.

RECOGNIZE & RESPOND (DON'T REACT)



ANTISOCIAL PERSONALITY

- Pervasive pattern of exploitation of others
- Disregard for and violation of the rights of others (occurring since age 15)



VIEW OF THE WORLD:	<u>Dog - Eat – Dog</u>
VIEW OF THEMSELVES:	<u>Superior</u>
VIEW OF OTHERS:	<u>Suckers</u>
DEAL WITH THE WORLD BY:	<u>Opportunism</u>

ANTISOCIAL cont.



HOW YOU MIGHT EXPERIENCE THEM

Charming (at first)
Untrustworthy (later)
Immature
Self-centered
Sincere (at first)
Duplicious (later)
Manipulative
Dangerous—can be rageful
Cognitively inflexible
Externally oriented -everyone else's fault
Rationalizing and justifying
Haughty and contemptuous

HOW YOU MIGHT REACT TO THEM

Fear
Anger—desire to get back at/hurt them
Bargaining
Denial
Avoidance
Glee at their misfortune

Some Possible Antisocials You May Know



REAL WORLD: John Gotti, Ted Bundy, Jeffrey Dahmer, Anna Sorokin
Bernie Madoff

MOVIES: Al Pacino (Devil's Advocate)
Angelina Jolie (Girl In interrupted)
Anthony Hopkins as Hannibal Lecter (Silence of the Lambs)
Javier Bardem character (No Country for Old Men)
Michael Douglas (Wall Street)

TV: Tony Soprano (The Sopranos)
Hugh Laurie as Dr. Gregory House (House)

BORDERLINE PERSONALITY

Intense changeability and instability of :

- Mood
- Interpersonal Relationships
- Self-Image



VIEW OF THE WORLD:

Rejecting/ Abandoning

VIEW OF THEMSELVES:

Vulnerable

VIEW OF OTHERS:

Angels or Devils

DEAL WITH THE WORLD BY :

Emotional Justification

BORDERLINE cont,

HOW YOU MIGHT EXPERIENCE THEM

Unreasonable
Hostile while also Dependent
Chronic emotional pain
Overly intense, changeable, moody
Vaguely threatening
Ultra dramatic
Manipulative
All or nothing thinker
Rageful
Vicious, spiteful, sharp tongue
Never apologizes
Emotionally inconsistent
Extreme abandonment/separation fears
Others are all good/all bad



Stormy or violent relationships
Intolerant of separation and intimacy
Frequently depressed or agitated

HOW YOU MIGHT REACT TO THEM

Angry, fearful, placating, distancing, exasperated
“Feel sorry for “ them
Want to merge with/get approval from
Make excuses for them
“Damned if I do/Damned if I don’t”

Some Possible Borderlines You May Know



REAL WORLD: Marilyn Monroe, Princess Diana, Eva Peron,
Jim Jones, David Koresch

MOVIES: Glen Close as Alex (Fatal Attraction)
Jean Triplehorn (Sliding Doors)
Jennifer Lawrence as Tiffany Maxwell (Silver Linings
Playbook)

TV: “Mimi” female character (Drew Carey Show)
Emma Stone as Annie Landsberg (Manic—Netflix)
Rick Hoffman as Louis Litt (Suits)

• NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org •
info@njlap.org

HISTRIONIC PERSONALITY

- Pervasive pattern of excessive emotionality and attention-seeking (beginning in early childhood)
- Functional traits are Expressiveness and Theatricality



VIEW OF THE WORLD:	<u>Impressionistic/Superficial</u>
VIEW OF THEMSELVES:	<u>Fetching, Charming, Enchanting</u> <u>Fabulous</u>
VIEW OF OTHERS:	<u>Admirers, Followers, Disciples</u>
DEAL WITH THE WORLD BY :	<u>Performing</u>

HISTRIONIC cont.

HOW YOU MIGHT EXPERIENCE THEM

Needy, Demanding
Showy
Superficial (esp. in relationships)
Overly emotional
Melodramatic, angry, "fly off the handle"
Seductive
Shallow
Childlike, immature
Impulsive and thematic vs analytical and precise
Relentless in demanding attention
Flamboyant in speech and behavior
Drama Kings and Queens
Funny, energetic, entertaining
Unreliable with following through with tasks



HOW YOU MIGHT REACT TO THEM

Sexual aggression
Irritation
Impatience
Dismissiveness
Seduced, enchanted, captivated, enticed

Some Possible Histrionics You May Know



REAL WORLD: Mae West, Anna Nicole Smith, Richard Simmons,
Miley Cyrus

MOVIES: Scarlett O’Hara character (Gone With the Wind)
Nathan Lane character (Birdcage)
Rachel McAdams as Regina George (Mean Girls)

TV: George Costanza character (Seinfeld)
“Jack” character (Will and Grace)
Kim Cattrall as Samantha Jones (Sex in the City)

• NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org •
info@njlap.org

NARCISSISTIC PERSONALITY

- Grandiosity of behavior or fantasy
- Need for attention
- Lack of empathy
- Devalues others (vs.exploits)
- Functional trait—self-aggrandizement (secretly—insecure, low self esteem)



VIEW OF THE WORLD:

Theirs

VIEW OF THEMSELVES:

Special

VIEW OF OTHERS:

Servants

DEAL WITH THE WORLD BY :

Image Management

NARCISSISTIC cont.

HOW YOU MIGHT EXPERIENCE THEM

Selfish, self-centered, entitled
Presumptuous
Uncaring, insensitive, Lack empathy
Demanding, unsatisfiable
Manipulative
Demeaning (art of the put down)
Rageful, self-righteous
Power hungry/mad
Arrogant, haughty
Exploitive, devaluing
Substitute image self for substance self
Fantasies of unlimited power, success, brilliance, beauty
Envious of others



Feeling of specialness, uniqueness
Exaggeration of achievements, talents
Expectation of recognition as superior without achievement

HOW YOU MIGHT REACT TO THEM

Irritation
Fear
Placating/pacifying them
Avoiding them
Resisting them
Passive-aggressive
Hating them
Trying to please them

Some Possible Narcissists You May Know

REAL WORLD: Gen. George Patton, Gen. Douglas MacArthur.
Former President Bill Clinton, Madonna,
Slobodan Milosevek, Mark Zuckerberg, Tom Cruise

MOVIES: Alan Alda character (Crimes and Misdemeanors)
Michael Douglas as Gordon Gecko (Wall Street)
Rodney Dangerfield as Ted Knight (Caddy Shack)
Meryl Streep as Miranda (The Devil Wears Prada)

TV: Dr. Bob Kelso character (Scrubs)
Kelsey Grammar as Frazier (Frazier)
David Spade as George Segal (Just Shoot Me)

GENERAL STRATEGIES: Effective Communication

Effective communication skills with difficult personalities should target making the interaction go more smoothly, not as an attempt to change an individual's personality.

Stay calm (or rant in private)

Even if a client is screaming at you, you've got to remain cool and collected. You get your point across much clearer with a calm voice and stern demeanor. People will often mirror the emotional signals you emit. When you're angry, you'll often get an angry rise out of someone else. But if you're calm, you can often encourage them to be calm, as well

Try being flexible in your communication style

Some adjustments on your part is a factor you can control and it may help you make a better connection to someone with a different style or difficult personality.

Validate first

Consider positive aspects of their personality (if you can identify any) and point these out to help communicate more effectively, especially if delivering criticisms.

GENERAL STRATEGIES: cont.

Listen to their concerns

Often, a difficult client feels as though the process has run away with them, and they want to be heard. Simply taking the time to listen without getting defensive could be all that's needed. Make sure your client understands that you're focused on their problem (even if it's an imagined problem). Ask follow-up questions, repeat their statements back to them, and acknowledge that you've heard and understood. Ask them to clarify so you can get to the root of the issue.

Never assume anything

Don't assume or jump to conclusions about anything—especially with a difficult personality. Communicate directly, clarify and verify information. Just because your client is difficult, it doesn't mean your assumptions are 100% accurate every time.

When an issue arises reply promptly

Do you know what *doesn't* help sate a difficult client? The passage of time. As soon as a client raises an issue, make it a priority to get it sorted out. You're not accepting blame (and you should try to avoid saying you're sorry at this stage), but you are establishing a good communication from the start.

GENERAL STRATEGIES: cont.

Use direct, tactful communications

Be direct when confronting problems, but tactful. Advocate for your personal rights, needs and boundaries. Manage your stress response. Even the most difficult personalities can surprise you if you give them a chance to understand how their behavior impacts you.

Consider cutting your losses

Fixing the problem – even if that solution comes at a loss – will have benefits for you in the future. Your previously-difficult client may turn into a dream client, fiercely loyal and excited to tell all their friends how you went the extra mile.

Sometimes, you won't be able to fix an issue, and you'll have to terminate a difficult client.

To quote Abraham Lincoln, "It is more important to know what case not to take (or keep) than it is to know the law."

Rest (breathe). Reflect. Recognize. Respond (not react).

And in some cases... RUN!!



Ways to CYA

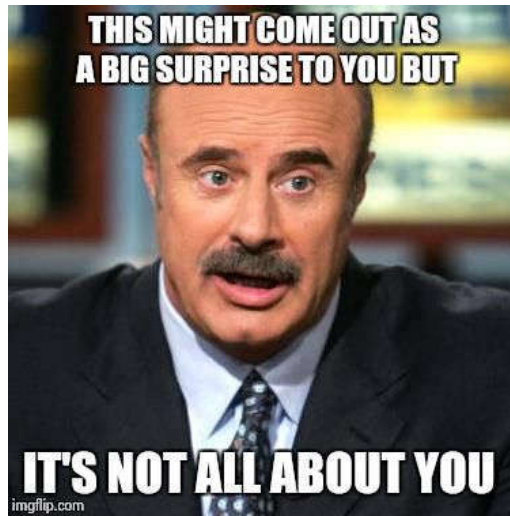
1. Make sure all agreements with client are **written, clear and specific, starting with Retainer.**
2. Take a **thorough, comprehensive social history.**
3. **Keep good notes** of every interaction, when possible, or at first opportunity. (Be a Comey)
4. **Promptly address** all upsets, problems, difficulties or broken promises.
5. **“Pick your battles”** – stay focused on objective, purpose/remind client of objective, purpose.
6. **Set and Maintain Reasonable Limits** – don’t make exceptions.

Ways to CYA

7. Be willing to “**let go**”.
8. **Don’t attach to their drama(s)**.
9. If you feel like they are “driving you crazy”, guess what? You are guest starring in their drama.
10. Give them “appropriate attention” / Make them feel important – this will help keep the drama down.
11. **Manage your energy** – these folks will drain you and try to suck you into their drama – deal with them in “small chunks of time”.
12. Stay aware – “**mindfulness of reactivity**”

Ways to CYA

13. **Don't criticize or get angry** at them (at least not so they see it)
14. **Don't misbehave** in response to their misbehavior.
15. Don't try to **pull a fast one** on them ("the duplicitous recognize duplicitousness")
16. Don't try to save them / **Don't race to the rescue**
17. Be a Ronnie Reagan attorney: "**Trust but Verify**"



Personalization: not everything that happens to us is because of us

BE IMPECCABLE WITH YOUR WORD
Speak with integrity, say only what you mean.

DON'T TAKE ANYTHING PERSONALLY
Nothing others do, is because of you.

THE FOUR AGREEMENTS
Based on the writings of Don Miguel Ruiz

DON'T MAKE ASSUMPTIONS
Find the courage to ask questions and to express what you really want.

ALWAYS DO YOUR BEST
Doing your best means enjoying the action, without expecting a reward.

RESOURCES

New Jersey Lawyers Assistance Program

www.njlap.org

800-246-5527

FREE & CONFIDENTIAL



How to Deal With Difficult Personalities—Article from Colorado Lawyers Assistance

<https://coloradosupremecourt.com/newsletters/winter2015/how%20to%20deal%20with%20difficult%20personalities.htm>

Learn about personality at PsychCentral. Take a test. <http://psychcentral.com>

Ten Keys to Handling Unreasonable and Difficult People

<https://www.psychologytoday.com/us/blog/communication-success/201309/ten-keys-handling-unreasonable-difficult-people>

<https://lawyermeltdown.com/dealing-with-difficult-clients.html/>

• NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org • info@njlap.org

VIDEO CLIPS



<https://www.youtube.com/watch?v=vvGTnMKys4Y>

Borderline

<https://www.youtube.com/watch?v=Vxc9K-2vncI>

Narcissistic

<https://youtu.be/9lxk5IRLysI?t=8>

Histrionic

<https://www.youtube.com/watch?v=QU8jKn7sMwU>

Silence of the Lambs

<https://www.youtube.com/watch?v=6dv8zJiggBs>

MedCircle Dr. Ramani

• NEW JERSEY LAWYERS ASSISTANCE PROGRAM • 800-246-5527 • www.NJLAP.org •
info@njlap.org

THANK YOU!

800-246-5527

www.NJLAP.org



About the Panelists...

Ramon Ortiz is Senior Attorney Counselor with the New Jersey Lawyers Assistance Program (NJLAP) in New Brunswick, New Jersey, and has been employed by LAP for the past 20 years. Prior to joining the New Jersey Lawyers Assistance Program, he was an Associate Professor of Law, Clinical Professor of Law, and Director of Clinical Programs at Seton Hall Law School.

Mr. Ortiz has been a member of the New Jersey State Bar Association, the Hispanic Bar Association of New Jersey, the National Association of Alcoholism and Drug Abuse Counselors, the National Association of Forensic Counselors, the Employee Assistance Professionals Association and the Association of Professionals Treating Problem Gambling (APTPG). He has served on the Board of Directors of Essex-Newark Legal Services and the Advisory Board of the Paralegal Institute at Montclair State College. Mr. Ortiz is a former member of the State of New Jersey Governor's Commission Legal Services Advisory Council and has been a Consultant for the Intoxicated Drivers Resource Center (IDRC) of Essex County. He has also served as an instructor at Brooklyn College, Montclair State University, the Council on Legal Education Opportunity and Rutgers School of Law-Newark, and has guest lectured at Rutgers School of Alcohol and Drug Studies.

Mr. Ortiz received his J.D. from Rutgers University School of Law-Newark.

Nancy Stek, M.S., CSW, LCADC is the Assistant Director of the New Jersey Lawyers and New Jersey Judges Assistance Programs in New Brunswick, New Jersey. Ms. Stek's career spans the fields of health care, education and the nonprofit sector. She has pioneered student assistance in New Jersey and developed the first student assistance program at Whittier College in California. She has also served as a lead trainer for First Light Partners, providing a 3-month training program for medical professionals and social workers in the Ukraine.

An associate member of the American Bar Association, Ms. Stek is Past Vice Chair of the ABA/CoLAP Judicial Assistance Initiative and has been a member of the ABA/CoLAP Editorial Board and Publications Committee, and the Advisory Board of the Friends of Middlesex County Adult Substance Abuse Program at the Middlesex County Jail. She has served as a New Jersey Disaster Response Crisis Counselor Volunteer for the New Jersey Department of Mental Health's Disaster and Terrorism Branch. Ms. Stek has been a featured speaker at national conferences and has provided specialized training through the New Jersey Department of Education, the Rutgers University Center for Alcohol Studies and the Commission on Lawyers Assistance of the American Bar Association. She is a Certified Life Coach, Results Life Coaching, LLC, and a Certified Hardiness Trainer, Hardiness Institute.

Ms. Stek received her B.A., with honors, from Sonoma State University and has pursued graduate studies in Social Work and Counseling at Rutgers University and Sonoma State University.

This page intentionally left blank