

**Client Control:  
Strategies for Attorneys to  
Manage and Screen  
Challenging Client Behavior**

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# Client Control Overview

## Problematic Client Control Consequences:

1. Time spent on non-billable client management tasks
2. Increased attorney distress and burnout
3. Increased liability
4. Poorer case outcomes

# Presentation Overview

1. Challenging Client Personality Dynamics
2. Working Effectively with Traumatized Clients
3. Clients with Cognitive Impairment
4. Screening Considerations for Potential Clients

# Personality Styles

- All individuals have one or more
- Patterns of interpersonal behavior, emotions, fears/vulnerabilities, and defenses
- If we can infer client's fears and vulnerabilities we can pacify them.
- “Give someone their defenses and they'll give them away.”

# Personality Styles

## Paranoid:

- Pervasive suspiciousness and mistrust
- Projection of responsibility for failures
- Reads malicious intent benign behaviors
- *Screening consideration: Can they form a basic trust in you?*
- *Needs: transparency, non-defensiveness, willingness to accept more blame than reasonable*

## Schizoid:

- Detachment from social relationships
- Alive and sometimes overwhelming internal emotional experience
- Lack of desire for closeness
- *Screening consideration: Can they tolerate a prolonged interpersonal exchange with you?*
- *Needs: as much interpersonal and emotional distance as possible*

# Personality Styles

## Antisocial:

- Pattern of disregard for rights of others
- Limited remorse
- Impulsivity
- *Screening Consideration: Can they be honest with you?*
- *Needs: practical non moralistic approach, and support thinking through consequences of decisions*

## Avoidant:

- Social Inhibition
- Feelings of inadequacy
- Hypersensitivity to negative evaluation
- *Screening Consideration: Will they avoid interactions with you due to shame?*
- *Needs: validation, praise, reassurance*

# Personality Styles

## Narcissistic:

- Inflated sense of self with underlying fragility and emotional emptiness
- People are means to reach their goals
- Rage if made to feel small or if perceived betrayal occurs
- *Screening Consideration: Can they follow your direction and respect your authority?*
- *Needs: respectful tone, appreciation of their competency, praise*

## Obsessive Compulsive:

- Preoccupation with order
- Perfectionism
- Ruminative and/or compulsive need for action
- *Screening considerations: Can they tolerate ambiguity in the case?*
- *Needs: structure and clearly sequenced plans*

# Personality Styles

- Histrionic
  - Need to be in the center of attention
  - Rapidly shifting intense expressions of emotion
  - Considers relationships to be more intimate than they really are
  - Believe if needs aren't presented as a crisis they won't be taken seriously.

# Traits Cutting Across Personality Styles Affecting Attorney Client Interactions

1. Being Excessive Independent
2. Being Excessively Dependent

# The Excessively Independent Client

## Thought System:

- I can only depend upon myself
- Nobody is as competent as me
- Nobody has my back and others will harm me if I let them

## Potential Causes:

- Early rejection of emotional experience, leading to self-reliant survival strategy
- Early trauma, leading to mistrust of others
- Feelings of shame and inadequacy defended against by self-inflation

# Behaviors of the Excessively Independent Client

- Need to be in charge of tasks, even when they don't fully understand them, leading to constant push and pull
- High anxiety if required to let attorney take the lead, resulting in repeated interruptions and attempts to gain control
- Feeling humiliated by attorneys superior knowledge/income/status resulting in a need to criticize the attorney
- Inability to learn from attorney prior to deposition and testimony

# Getting Hooked in Cycle of Interaction with Excessively Independent Clients

*Cycles of Interaction:* Being pulled into a destructive and repeated pattern of interaction which is self-reinforcing and mutually distressing

- Process of communication drives the results of the interaction more than the content of communication
- External statements and behaviors are a response to undisclosed distressing internal feelings
- Can exist between two individuals or within an entire family.
- How do we know we're hooked in a cycle of interaction:
  - Urgency to make a point
  - Emotional Escalation
  - Sudden panic not warranted by content
  - Shutting down and disengaging

# Getting Hooked with an Excessively Independent Client

*Independent client* communicates, “You’re not good enough to trust, you’re inadequate, I don’t need you.”



*Attorney* feels anxious about case outcome, disrespected, insecure



*Attorney* emphasizes expertise, communicates that client should defer, highlights client’s inexperience



*Independent client* feels more inadequate, disrespected, anxious, out of control



*Independent Client* re-doubles his criticism and controlling behavior to cope with these feelings, and the cycle continues

# Tips for Working with Excessively Independent Clients

- Push-withdraw aikido move
- Give them multiple choices, all of which you can live with
- Emphasize their competence to increase their self-esteem and reduce their defensive need to be controlling
- Emotion is destabilizing for these folks, so keep the emotional temperature low

# Tips for Working with Excessively Independent Clients

- Prepare to be devalued, tolerate it while holding on to your internal competence, don't get hooked into defending yourself, and let go of the need to be appreciated
- Relationship build before getting to business, and give them time to talk about successes in non-legal areas
- Move slower, not faster, at critical moments, and give client time to recover when they get controlling/critical

# Screening for Excessively Independent Clients

- Use first meeting as test to see if client can follow direction and allow you to lead.
- Is there a history of experiences with “incompetent lawyers”?
- Is there excessive anger or paranoia directed at another party?
- Are there subtle criticisms or passive-aggressive communication?
- Test theory of mind with case material
- Explain law as relates to case and then test if they understood. If not, is this personality vs. intelligence?

# The Excessively Dependent Client

- Thought System:
  - I only exist by staying connected to a powerful benevolent other
  - I can't become competent, b/c this is a threat to my relationship with those I need
  - Others are completely powerful and competent and I am lacking
- Movement from Idealization to Devaluation:
  - When a powerful other fails me, there is an eclipse of all that is good in him, and I discover that he is terrible
- Potential Causes:
  - Too much trauma and too little safety in childhood to develop the ability to see people as having both good and disappointing parts
  - Lack of parental figure who can allow you to become a competent and independent individual
  - Overwhelming loss leading to hunger for emotional closeness

# Getting Hooked with an Excessive Dependent Client

*Client:* Idealizes attorney as a strategy to stay connected



*Attorney:* Gets caught in the idealization, believing she and the client have a special relationship against a horrible other. Attorney over-does for the client, rather than insisting on her competence



*Client:* Becomes progressively less competent. Suddenly the overly idealized attorney makes a mistake, client discovers that attorneys is truly horrific



*Attorney:* Feels put down by person who previously valued her, and either criticizes back or withdraws, either action making the clients' behavior more erratic

# Working with Excessively Dependent Clients when they're acting Incompetent

- Believe in client's ability to act competently and encourage their competence. Don't get hooked into over-doing for them.
- Highlight and reinforce client's successes
- Don't promise too much, and articulate the limitations of what you can do
- Don't get trapped into being the purely good attorney fighting against evil opposing counsel. This is a setup.

# Tips for Working with Excessively Dependent Clients when they Devalue

- When client moves to devaluation, go slowly not quickly.
- Tolerate being given the message, “You’ve failed to take care of me.” Stay internally in touch with your competence, but don’t argue for it, because this will only fuel your client’s problematic behavior
- Know your legal/ethical boundaries and calmly but firmly hold to them.
- Validate client’s thinking, while holding opposites together to get out of black and white thinking:
  - Client’s message: “You’ve failed, I’m angry, so I can’t work with you.”
  - Attorney response: “I know you’re angry, I know that’s scary, but we’re in a critical situation here and have to prepare for the deposition. How can we work together despite your feelings about me.”

# Screening Excessively Dependent Clients

- Is the client idealizing you before he/she knows your skill set or experience?
- Is the client projecting a more successful case outcome than is likely?
- Does the client have a history of being “betrayed” by attorneys they thought were trustworthy?
- Are you being put in a “rescuer” role from the start.
- Can the client take responsibility for their role in their circumstances
- Describe a limitation of what you can do and see how they respond.

# Cycles of Interaction in Families

- Homeostasis: Roles, patterns of communication, and alliances, tend to remain the same and return to homeostasis.
- Family have different subsystems (parents, siblings, grandparents) with distinct boundaries between the systems
- Behavior of one person sets off a repeated sequence of interactions between family members.
- New individuals are inducted into the family pattern of interactions.

# Family Dynamics in Legal Practice

- Money becomes a proxy for love, activating early attachment needs related to closeness, acceptance, appreciation, and feelings of rejection.
- Families with rigid patterns can't respond adaptively to changes such as death or decline of a family members.
- Attorneys may be indoctrinated into roles in the family's repetitive patterns of interaction.
  - Rescuer
  - Protector
  - Referee
  - Witness
- Goal: Learn the family cycle, figure out role you're being pulled in to, and unhook.

# Working with Demented or Cognitively Impaired Client

- Deficits in basic cognitive functions including memory, attention, planning, and verbal capacities.
- Can co-exist with high intelligence in certain domains
- Risk Factors/Signs of Cognitive Impairment:
  - Trauma
  - Mental Illness
  - Failure to become independent
  - Substance Dependence
  - Head injury
  - Strokes
  - ADHD
  - Learning Disorders

# Cognitive Impairment

- Cognitive Impairment is often mistaken for irritability, stubbornness, suspiciousness and deceitfulness:
  - Inability to sequence legal steps leads client to become overwhelmed which appears to be irritability.
  - Inability to recall previous conversation, causes client to believe his attorney is tricking him, which appears to be suspiciousness.
  - Client begins to confabulate to compensate for poor memory, which looks like lying
  - Client is unable to switch sets which looks like being stubborn.

# Cognitive Impairment is Not Uniform Among Cognitive Domains

- Individuals may be able to live independently, interact and joke in a socially appropriate manner, but still have significant memory impairment.
- Fluid intelligence (capacity to reason and solve novel problems independent of knowledge from the past) declines with age while Crystallized intelligence (vocabulary and general knowledge) improves with age.
- Overlearned tasks are less subject to decline because people becomes creatures of habit. This is different from assimilating new information.

# Key Cognitive Impairments and Compensatory Strategies

- Impaired Executive Functioning
  - Governed by frontal lobes
  - Allows us to regulate behavior when we're not on auto pilot
  - Plan and think flexibly
  - Problem Solve
  - Inhibit Impulsive Behavior
  - Consider "what if" for different course of action.
- Strategies:
  - You become prosthetic frontal lobes
  - Refocus them
  - Direct them to topic at hand
  - Lead with verbal rather than visual cues
  - Avoid complex sequencing
  - Break projects into small pieces
  - Meet in area with as limited distractions as possible
  - Avoid unnecessary abstraction

# Key Cognitive Impairments and Compensatory Strategies

- Learning and Memory Subtypes:
  - Auditory vs. Visual
  - Short term vs. Long Term
  - Working Memory
  - Explicit vs. Implicit
- Dementia vs. Depression (pseudodementia)
- Compensatory Strategies:
  - Avoid area of deficit if neuropsychology evaluation is available
    - I.e.. Use visual rather than verbal cues

# **Thank you for the Opportunity to Present**

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