

Power and Control: Lawyer-Client Relationship Abuse and Psychological Assault

Using Coercion and Threats

Making or carrying out threats to do something to harm the client • threatening to withdraw as counsel of record on the client's case • threatening to commit incompetent or unethical practice by violating the State Bar disciplinary rules of professional conduct • threatening to request the court to order a psychological evaluation of the client without just reason • ambushing and railroading the client to prevent informed decisions • exaggerating the harmful outcomes to the client • pressuring the client to accept a plea deal offer • pressuring the client to do illegal things.

Using Terrorism and Assault

Making the client afraid by using looks, tones, demeanors, gestures, actions • staging temper tantrums • violating rules of politesse; rules of orderly, fair meetings; and the State Bar ethics code • displaying weapons or other objects or images of violence • terrorizing the client • sadistically manipulating the client • psychologically assaulting the client.

Using Emotional Abuse

Putting the client down • making the client feel bad about herself or himself • calling the client names • making the client think she or he is crazy • playing mind games • humiliating the client • making the client feel guilty.

Using Isolation and Guilt

Isolating the client and forbidding client to consult with other lawyers without permission • using presumed guilt or suspicion of guilt of client to justify abuse • using private meetings instead of telephone, mail and email communications • refusing to state the purpose of meetings.

Minimizing, Denying and Blaming

Making light of the abuse and not taking client's concerns about it seriously • saying the abuse didn't happen • shifting responsibility for abusive behavior • saying the client caused the abuse.

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Using Information Abuse

Misrepresenting the experience and specialized knowledge of the lawyer • using asymmetric information to mislead the client • preventing client from seeing all the evidence • providing insufficient information for client to make an informed decision • using misrepresentation, double-talk, stonewalling and obfuscation to prevent informed decisions • not informing the client about public access to the case file at the Court house • refusing to communicate, explain and clarify in writing • failing to disclose State Bar ethics rules existence and contact information.

Using Attorney Privilege

Acting like the boss • treating the client like a servant • making the big decisions • ignoring client's instructions, decisions and best interests • failing to get client's consent • being the one to define lawyers' and clients' roles • not writing a fee contract • preventing preview of contract before signing • making unilateral changes to contract after initial agreement • using vague, ambiguous, ineffective language that protects the lawyer but not the client • refusing arbitration.

Using Economy Abuse

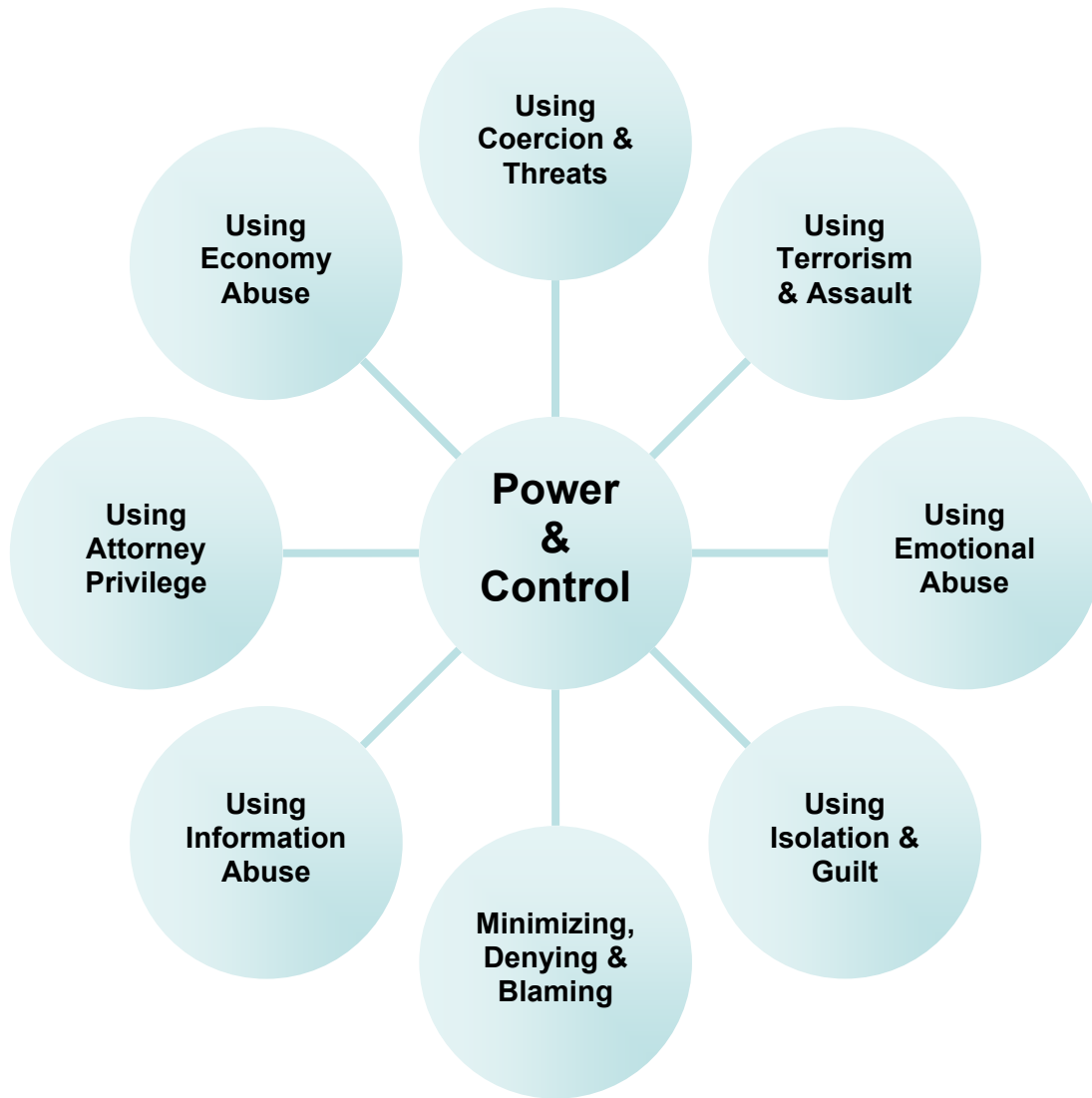
Making the client pay more money • not refunding client's money if not used for the stipulated purpose or if not earned • using bait-and-switch tactics after receiving advance fee payment.

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Power and Control Wheel: A Tool for Recognizing Abusive Behavior

The power and control wheel for the lawyer-client relationship is adapted with permission from the wheel diagram of Domestic Abuse Intervention Project, www.TheDuluthModel.org, developed by formerly battered women to describe their experiences. The lawyer-client wheel diagram illustrates forms of abuse and psychological assault that may be inflicted on clients by their lawyers. Psychological assault is a criminal offense in law.

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