

# STRESS

## CLIENTS UNDER STRESS

By *Steven A. Meyerowitz*

"Royce," a panicked voice on the phone said, "I'm in deep trouble. I've just been served with these papers. This guy is asking for more money than I have."

That's how Royce H. Schulz, a partner with Broad, Schulz, Larson & Wineberg in San Francisco, described a phone call he received from a business owner he came to represent in a multi-million dollar lawsuit that was recently brought against the owner and his company by one of the company's distributors.

The result in that case, Schulz said, was quite satisfactory to his client—the plaintiff was able to win only a \$90,000 judgment.

But perhaps just as important as the suit's final resolution was the success Schulz had

early in the case in calming his client and easing the emotional drain the case was having on him.

Dealing with the emotional aspects of clients involved in high-stress legal situations is not something that lawyers usually consider, especially if they represent what Schulz called "hired management that has no personal stake in the matter and whose jobs are, ordinarily, not on the line." But the human issue is one of the first things that a lot of lawyers must handle after they are retained on a new matter.

There are many kinds of legal situations in which clients become emotionally involved. A spouse in a divorce action, for example, feels "anger, financial fear, and concern that the cocoon is breaking apart," said Robert W. Denney, a law firm consultant and the president of Robert Denney Associates Inc., based in Wayne. Similar emotions are felt by parties to a business break-up.

A person who owns a company that is on the brink of financial failure "has highs and lows during the day, and gets up pretty early in the morning worrying about the business," said insolvency lawyer Gary A. Plotkin, a partner with the Encino, Calif., law firm of Plotkin & Rapoport. If a business receives notice that creditors have forced the

company into an involuntary bankruptcy, the owners, who more than likely have not gone through a bankruptcy before, will worry that they will be kicked out of their offices and their jobs. They may be embarrassed about entering bankruptcy, and they will be concerned about financial ruin. Facing a financial calamity can be emotionally devastating.

Clients in a trial—think of the word, which is defined as "an experience that puts strength, patience, or faith to the test"—may be the people most particularly caught up in the emotional trauma of the legal world.

The tension builds through a trial for every individual involved, whether plaintiff or defendant. Schulz recalled one lawsuit in which his client and he waited "three very stressful days" for the jury to reach a result. "Before the verdict was about to be read, he turned to me and said, 'Gosh, this is dramatic,'" Schulz said.

There is a difference, of course, between helping a client who is emotionally involved in a high-stress legal matter and handling a client with emotional problems. While it is certainly not a lawyer's job to determine if someone is emotionally disturbed, a lawyer should be able to listen to a client and know when it might be appropriate to sug-

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some steam but that the client has no intention of acting upon.

Nonetheless, in that instance, and even where a client is just emotionally involved in a case and appears basically healthy, a lawyer should feel free to suggest psychological counseling to a client. "Attorneys should not think it's such a big deal to suggest that the client get someone else on their support team," Dr. Weinstock said.

When lawyers try to help clients who are emotionally involved in legal problems, there are several things that

they can do.

**Listen**

"What is most helpful from lawyers is what is difficult for lawyers to do—listening and trying not to solve the problem," Dr. Weinstock said.

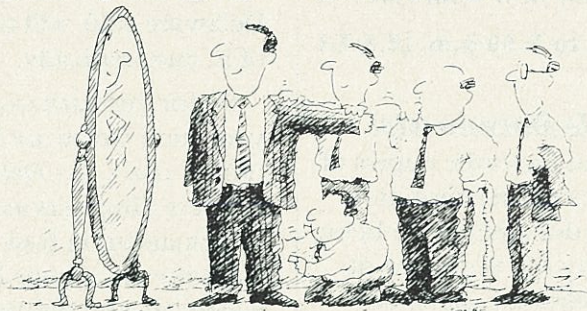
She believes that "when people are in emotional stress, they need people to be tolerant of hearing their pain." Because people in stress "worry that they'll burden others by their own emotionality," she said, a lawyer's willingness to listen to a client's problems should be particularly emphasized.

In a bankruptcy matter, for example, a lawyer should listen to the business owner describe how upsetting it is to go bankrupt. "Listen to him tell the things he tried to do to avoid bankruptcy, that he's concerned that he's a failure in his wife's eyes, that he thought he'd be able to support his children," she said.

Listening is also important in a dispute between business partners. "If someone comes in, complains about a partner, and says, 'I think I'll have to sue him, I think I'm being taken advantage of,' and the lawyer says, 'Yes, you're dealing with a bastard' before he knows all the facts, it could present a problem if two months later things have mended," Dr. Weinstock said. "Lawyers shouldn't emotionally jump on the bandwagon."

Divorce lawyers may want to have someone in their offices, such as a paralegal, to whom clients involved in a divorce can regularly speak and who will just listen to them talk about their problems, said Mary Ann Altman, a consultant with Altman & Weil Inc. in Ardmore. "Of course, if it's a legal matter, they'll want to talk to a lawyer; but if they are just calling to unburden themselves, they can talk to the para-

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legal," she said.

### Comfort your client

After listening to a client's problems, a lawyer could try to comfort the client.

"Some lawyers talk about 'our' case, not 'your' case," Altman said. "That makes a client feel they're a part of the solution to the problem."

Comforting words also help to diffuse a difficult situation. In one case, a lawyer spoke to a company president who owned 25 percent of the company's stock, had total control of the business, and started out by saying he wanted to bring a lawsuit against his relatives who owned the rest of the company's stock and force them out, Denney said. But the lawyer got past the client's emotion and said, "What do you really want? Do you really want to fight with your relatives?" The businessman then decided to pursue the acquisition of the company without litigation, according to Denney.

### Explain how things work

To non-lawyers, the machinations of the legal system can be quite difficult to

understand. Therefore, another good way to help clients deal with the emotional problems resulting from their involvement in the legal system is to explain how the system works.

During the three days Schulz and his client were waiting for the jury to return with a judgment in the suit brought by a distributor for the client's company, Schulz said he "talked to him, explained what the potential ways of dealing with a judgment were if it was disastrous, what the post-trial motions might be, and the points to pursue on appeal if it came to that."

Plotkin tries to deal with the concerns of business owners who receive notice that their companies have been put into involuntary bankruptcy by telling them "that the mere filing of an involuntary petition does not mean they are going to have to close their doors tomorrow and does not mean a trustee is going to have to be appointed. I tell them that the chances are they will continue to be able to operate as a debtor-in-possession with certain safeguards which probably should

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## PBA Calendar

- SEPT. 11**—Commonwealth Court Session, Harrisburg (adjourns Sept. 15); Schuylkill Co. Bar Assn. Board of Directors Meeting, Schuylkill Haven
- SEPT. 15**—Pennsylvania Defense Institute Board Meeting, Harrisburg
- SEPT. 20**—Chester Co. Bar Assn. Board of Directors Meeting, West Chester; Delaware Co. Bar Assn. Board of Directors Meeting, Media; Northampton Co. Bar Assn. Quarterly Meeting, Bethlehem
- SEPT. 21**—Lancaster Co. Bar Assn. Board of Directors Meeting, Lancaster
- SEPT. 22**—Berks Co. Bar Assn. Bench/Bar Conference, Hershey (adjourns Sept. 23)
- SEPT. 24**—Westmoreland Co. Bar Assn. Annual Picnic, Greensburg
- SEPT. 25**—Supreme Court Session, Pittsburgh (adjourns Sept. 29)
- SEPT. 28**—Lancaster Co. Bar Assn. Bench/Bar Conference, Annapolis, Md. (adjourns Oct. 1)
- OCT. 1**—Chester Co. Bar Assn. Fall Bench/Bar Conference, Baltimore, Md. (adjourns Oct. 3)
- OCT. 2**—Commonwealth Court Session, Pittsburgh (adjourns Oct. 6)
- OCT. 4**—Superior Court Session, Lewisburg (adjourns Oct. 5); Luzerne

Co. Bar Assn. Executive Committee Meeting, Wilkes-Barre; Northampton Co. Bar Assn. Board of Governors Meeting, Bethlehem

- OCT. 9**—Schuylkill Co. Bar Assn. Board of Directors Meeting, Schuylkill Haven
- OCT. 10**—Delaware Co. Bar Assn. Fall General Membership Meeting, Media

### MAJOR DATES AT A GLANCE

- 1989 PBA Midyear Meeting - Oct. 15-22, Cerramar Beach, Puerto Rico**
- 1989 YLD Fall Meeting - Oct. 28, Wilkes-Barre**
- 1989 Fall Board of Governors Meeting - Nov. 2, Harrisburg**
- 1989 Fall House of Delegates Meeting - Nov. 3, Harrisburg**
- 1990 Winter Board of Governors Meeting - Jan. 19, Philadelphia**
- 1990 YLD Winter Meeting - Feb. 2-4, Tannersville (Poconos)**
- 1990 ABA Midyear Meeting - Feb. 7-14, Los Angeles**
- 1990 Winter Committee/Section Day - Feb. 16, Harrisburg**
- 1990 Spring Board of Governors Meeting - March 22, Harrisburg**
- 1990 Pro Bono Conference/CCBL Seminar - March 23-24, Harrisburg**

- OCT. 11**—Superior Court Session, Philadelphia, Pittsburgh (adjourns Oct. 13)
- OCT. 12**—Lehigh Co. Bar Assn. Fall Membership Meeting, Allentown
- OCT. 13**—Washington Co. Bar Assn. Annual Dinner/Dance, Meadowlands; Westmoreland Co. Bar Assn. Quarterly Meeting, Greensburg
- OCT. 16**—Superior Court Session, Philadelphia (adjourns Oct. 18); Luzerne Co. Bar Assn. Quarterly Membership Meeting, Wilkes-Barre; Schuylkill Co. Bar Assn. Bench/Bar Conference and Quarterly Meeting, Pottsville
- OCT. 17**—Delaware Co. Bar Assn. Fall General Membership Meeting, Media
- OCT. 18**—Chester Co. Bar Assn. Board of Directors Meeting, West Chester; Delaware Co. Bar Assn. Board of Directors Meeting, Media
- OCT. 19**—Pennsylvania Defense Institute 21st Annual Conference (adjourns Oct. 21) and PDI Board Meeting, Hershey; Lancaster Co. Bar Assn. Board of Directors Meeting, Lancaster
- OCT. 21**—Lackawanna Co. Bar Assn. Bench/Bar Conference, Scranton
- OCT. 23**—Supreme Court Session, Philadelphia (adjourns Oct. 27)