

TOPICS FOR CCBA PANEL DISCUSSION ON STRATEGIES FOR WORKING WITH DIFFICULT CLIENTS

- (A) Preliminary Considerations**
 - * Troubled family history of many clients (Abuse/Neglect)
 - * Client in/out of custody
 - * Latent undetected mental illness
 - * Age/Immaturity of client

- (B) Initial Meeting(s)**
 - * Establishing rapport
 - * Discussion objectives (time frames, overall strategy)
 - * Setting boundaries (e.g. passing messages)
 - * Turning over discovery or not
 - * Establishing key family contacts/persons of influence
 - * Private vs. court appointed representation factors

- (C) Special Considerations During Time of Covid-19**
 - * Jail visits
 - * Appearing by phone or Webex at court hearings

- (D) Recurring Problems**
 - * Demand of client to file frivolous motions (e.g. filing 995 motion where evidence at P/H was overwhelming)
 - * Addressing Client's presentation of false narrative (e.g. investigating alibi where witnesses don't check out)
 - * Internet effect (dealing with know-it-all clients or family member who claims expertise)
 - * Sending investigators to the jail as your proxy
 - * Claims by clients in custody of amazing deals arranged by attorneys for fellow inmates

- (E) Special Client Personality Types**
 - * Those with oppositional/defiant personality
 - * Those who are passive aggressive

- (F) When The Conversation Shifts to Settlement Discussions (When The Rubber Meets The Road)**
 - * Duty to inform of offers
 - * Emphasize options/choices (empowering the client)
 - * Identifying the decision maker in the family
 - * Finding a gentle landing to save face

- (G) McCoy v. Louisiana and Trial** (*Angela Berry will make presentation on post McCoy California Cases*)
 - * Client input on overall trial strategy
 - * Client input during jury selection and asking of questions of witnesses