

DEALING WITH DIFFICULT CLIENTS: A TRIBAL PERSPECTIVE

MATTHEW L.M. FLETCHER



Vernon Big Chief

Squirrel Fist Family



Sheldon FiveBulls

Indian Apple District

RULE 1: KEEP STATE BAR ETHICS HOTLINE IN YOUR MIND

ARIZONA STATE BAR ETHICS HOTLINE: [602.340.7284](tel:602.340.7284)

602.340.7284



RULE 2: ESTABLISH YOUR ROLE WITH THE CLIENT



MODEL RULES PREAMBLE

- [2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

RULE 3: MEMORIALIZE EVERY EXCHANGE

OFFICIAL FBI MEMO

TRUMP JUST TOLD ME
TO END THE FLYNN
INVESTIGATION!

I'LL KEEP THIS SECRET
UNTIL HE FIRES ME.

James Comey

~~5-14-2017~~

2-14-2017

RULE 4: BE CALM AND CLEAR





RULE 5:MANAGE EXPECTATIONS





HYPOTHETICAL #1

Client council member Vernon Big Chief asks you to go door to door at Elder's Housing to distribute leaflets and casino comps to support his re-election campaign.



HYPOTHETICAL #2

Sheldon Five Bulls instructs you to retain outside counsel he met at the bar in Washington, D.C. at a recent NCAI event.



HYPOTHETICAL #3

Councilor Big Chief insists the legal department open up an investigation on an employee without cause.



HYPOTHETICAL #4

Council member Five Bulls objects to the new law enforcement cross-deputization agreement needed to complete the gaming compact negotiations because of “sovereignty.”



HYPOTHETICAL #5

Council member Big Chief is in a child custody battle with his ex-wife. He doesn't want to spend money on his own lawyer, so he drops by the legal department to pose "hypotheticals."



HYPOTHETICAL #6

Council member Two Bulls frequently abuses tribal credit cards while on travel status, arguing that he's entitled to spend as he sees fit given that he's an elected official.



HYPOTHETICAL #7

Councilor Big Chief threatens to release a confidential, attorney-client privileged document to the tribal newspaper:



HYPOTHETICAL #8

Council member Five Bulls takes you aside and promises you a promotion to tribal attorney general and a salary boost if you show “loyalty” to him.



ADDITIONAL REFERENCES

- Justice Carole Curtis, HOW TO HANDLE DIFFICULT CLIENTS – Pointers That Will Help You Stay Sane and Safe, 36:4 Law Practice: The Business of Practicing Law, July/August 2010, at 40 [available online]

ACKNOWLEDGMENTS

- Chi-Miigwetch to the I49Is for permission to use screenshots from their video “Master Debaters.”