



LNP 269

When the Attorney is a Bully

Some of the most challenging discussions for legal nurse consultants take place when the attorney is a bully. This is Pat Iyer with *Iyer's Insights*.

Bullying is offensive, intimidating or insulting behavior that upsets the recipient, who feels humiliated or vulnerable. It includes gossiping, backstabbing, and scapegoating that undermining morale, self-worth and team cohesiveness.

- LNCs who are self-employed as independent legal nurse consultants encounter bullies who wish to retain them to evaluate or summarize cases.
- Expert witnesses may be seated across the deposition table from opposing counsel who is acting like a bully.
- An LNC working inhouse may find one of the partners or associates acting like a bully.

In this podcast I will talk about what I have learned about ways to handle each of these common situations.

Independent LNC

First, the self employed LNC might spot the bully right off the bat, from the start of the relationship. In Legal Nurse Podcast 31, I described how a bully attorney revealed his true nature when he interviewed me at his law firm. Be sure to listen to that show on podcast.legalnursebusiness.com or on iTunes.

I was lucky in that situation because the attorney treated me poorly in the interview, giving me the chance to consider whether I even wanted to take his cases. I refused them, and never regretted the decision.

Sometimes an attorney approaching you with work comes across as abrasive, argumentative or obnoxious. This person tries to negotiate your fees. You can easily identify this person. If you say you have a 10-hour retainer, he or she will say, "You don't need 10 hours to review this case."

There are small cases, like an emergency department case or office records. They consist of a few pages. However, the majority of cases involve lots of medical records that need to be organized, assembled, and reviewed. An attorney who doesn't want to pay you a retainer of 10 hours puts you in a position of having to return soon for an additional retainer or you will exceed the number of hours on the retainer. Then you will need to begin the time-consuming collection process.

Toxic Client Statements

Here are some other types of toxic clients. These are all comments that I have heard.

- “I’m happy to pay you a fee if the expert you supply agrees with my theory of the case.”
- “I just need to name an expert within three days. I don’t need her to review the records. I just need to use a name.”
- “I didn’t settle the case for as much as I hoped. So, you have to reduce your fee.”
- “I can’t afford to pay your work on my dozens of cases. I will pay you when they settle.”

The answer to all of these statements is no.

I spoke with a legal nurse consultant this week whose client was paying her \$30 an hour to review his cases – as an independent contractor. This hourly rate is at least one-third what she should have been charging. By the time she paid her taxes and benefits, she earned less than the staff nurses in her area.

After 14 months of this, she told him her new rate would be \$40. Did he gladly agree, realizing how much she’d helped him with his cases? No, he told her he no longer needed her.

She’s better off without him. Yes, it was steady income for her, but it prevented her from being able to use her time to market and get clients who’d pay her an appropriate rate.

LNCs who undercharge lose revenue. And when I consider the scope of this issue, I realize that LNCs collectively lose hundreds of thousands of dollars a year in

unpaid, uncollectable invoices. Charge at the going rate and stick to your fee schedule.



Let me stop this program to ask you a question. Is this you?

You became a nurse because you enjoy helping people. You became a legal nurse consultant because you enjoy solving puzzles and working with attorneys.

Then you pick up the phone to hear one of your clients screaming about an invoice - the number of hours you billed exceeded his expectations.

How do you handle him?

You think, “I don’t deserve to be bullied. I need to be treated with respect. What am I going to do about this toxic client?”

You realize you stand to lose a lot of money if you give into this attorney. Your desire to please the attorney has flown out the window and you just want him to stop yelling at you.

If you give in every time an attorney questions you, you’ll quickly lose control of the conversation.

I used to feel the same way until I learned how to identify the toxic clients in my legal nurse consulting business. I developed a system for responding to them that I will share in my masterclass, **How to Deal with Toxic Clients**.

When I mastered the system that I will share with you, my frustration level decreased, and my sense of control increased.

Would you like to know what to do?

You’re at the point of decision. You WILL get a client who you wished you had never agreed to help. If you want to have something different happen when you next encounter an angry client, attend my masterclass on dealing with toxic clients.

I'll show you how to deal with the troublemakers and how to build strong relationships with your clients.

Join me for new online training: **How to Deal with Toxic Clients**. Join me for a masterclass taught online. There is no charge for this training. It is my gift to you. Get the link to this free training by going to our show notes for LNP 268 and 269 at podcast.legalnursebusiness.com and click on the button to get access to the training.

A Bullied Expert Witness

In the second situation, I described the expert witness who is bullied during a deposition. In my experience having reviewed hundreds of cases as an expert, attorneys behave worse at a deposition than they do under the watchful eye of the judge and jury.

Expert witness work is challenging. It requires you to be extremely detail oriented, analytical, and clear.

Experts enter a deposition with a heightened feeling of anxiety. They know that everything they say and do is under observation. Their words need to be thought out, well organized, and given in light of the issues of the case. A slip of the tongue can affect the case.

A bullying opposing counsel makes what is already a stressful situation into a nightmare. In one of my depositions, the attorney started off asking details of how many cases I reviewed each year for plaintiffs for defendants, how many depositions I went through each year, for plaintiff, for defendants and how many trials I had each year for plaintiffs and defendants. He wanted these details for 5 years.

I don't know about you. I can't keep this kind of data in head. When I told him I did not remember all of this, he sneered at me and in an insulting way, asked me if I had some kind of medical condition causing memory issues. He continued to belittle me to the point that I wanted to kick the client sitting next to me to signal he should intervene and stop the behavior.

At the next break I poured out my frustration, but my client did not become more proactive in controlling his adversary. The deposition lasted from 9 AM to 7 PM.

Ultimately, the case was so strong for the plaintiff (I was a plaintiff expert) that the case settled.

Being bullied at a deposition is horrible. The attorney who hired the expert witness should step in to protect the expert. Meanwhile, the expert needs to calmly answer the questions and not react to the nonverbal body language and nasty tones in the attorney's voice. It is dangerous to lose composure during a deposition because the expert can blurt out harmful answers.

The only way to get through this kind of deposition experience is to endure, knowing it cannot go on forever.

Inhouse Bullies

If you are not familiar with the term inhouse, consider it as applying to any legal nurse consultant who is an employee – instead of working as an independent contractor. The setting could be a law firm, regulatory agency, or healthcare facility.

Unlike the independently employed LNC who can refuse to work with a new client, the inhouse LNC is caught in the environment. It is not easy to refuse to work with a bully – that person could be your boss.

Healthcare facilities have become aware of the huge economic, social, and workplace costs associated with bullying. Morale, retention, and productivity plummet. Patients end up getting hurt when communication breaks down. The awareness of the costs resulted in a directive to have a zero-tolerance culture around bullying.

But even though employers are aware of the destructive aspects of bullying, it continues to be a disruptive behavior. Sixty-five percent of people who feel bullied leave their jobs.

If you are feeling bullied and are an employee, confront the behavior. Discuss how it makes you feel and request a change in behavior. This is easy advice to give and hard advice to follow, I know. There is risk associated with confrontations. But if you don't speak up, the behavior will continue. And then you will be faced with a decision about staying in or leaving your job.

When someone is bullying you, you must let them know that you are not going to take it. If you don't, the cost of not doing so will just increase until you do

eventually address it. Just be mindful of what is going on in any environment and to what degree you need to regain control of the situation.

Remember the free training I told you about in the middle point of the show? **How to Deal with Toxic Clients** is waiting for you. Go to the show notes for this podcast, LNP 268, at podcast.legalnursebusiness.com and click on the button for the link to the training page.

Check out the webinars, teleseminars, courses and books at legalnursebusiness.com. Expand your LNC skills with our resources.

Explore coaching with Pat Iyer at LNCAcademy.com to get more clients, make more money and avoid expensive mistakes.

Invest in the monthly webinars at LNCEU.com for 2 webinars each month designed to deepen your knowledge and skills.