

Good fences make good neighbours

How boundaries can help you avoid a claim and keep your friends.

It has happened to every solicitor. You are at a dinner party, a barbeque, a kids' soccer game, or you receive a phone call or email from a friend or family member, and you are asked to help with a legal problem.

A divorce, a tenancy dispute, a will or a property conveyance - they know you are a solicitor, so they ask for help. It might not be your area of practice, but they assume you can help with any kind of legal problem.

If our friends or family are in trouble the desire to help is strong, but it is worth stopping to think about the possible pitfalls of providing help in these situations.

Advice

As a solicitor, it is important to give your clients advice that is not coloured by your personal relationships or personal opinion of a situation. With friends or family members, it can be tricky to retain the arms-length perspective necessary to provide clear and objective advice.

When clients are not willing to accept the advice provided, solicitors should be able to do whatever is necessary to act in accordance with professional ethics. This can be difficult when you have a personal connection with the client.

Costs

The question of costs is difficult enough when dealing with regular clients but, when dealing with friends and family, it becomes even more fraught. You might be asked to offer a special costs arrangement or free, or substantially discounted, assistance or advice. They may have approached you for help because they are in financial difficulty.

This can mean that family and friends are not subject to your usual diligence when it comes to costs agreements and retainers. If a dispute arises you may be unprotected by your standard agreements and find that you're on the wrong side of the requirements around costs disclosure. Disagreements about costs are never pleasant, and that can only be exacerbated when they have the potential to sour a personal relationship.

Finally, don't forget about the risk to your personal relationships. While it can be difficult to say no, in the long run it is better to avoid the risk altogether which may mean that your friendship lasts a lot longer than the temporary legal problem.

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