

# The hidden risks of acting for family and friends:

## Protecting your mental health and relationships

At some point in their career, nearly every lawyer will be approached by a friend or family member seeking legal advice. The instinct to help comes naturally, but when viewed from a mental health perspective, the risks involved require thoughtful consideration before proceeding.

### Mental health risks

Acting for family or friends introduces challenges that can amplify emotional and mental health risks:

- 1. Informality trap:** Close relationships often lead to an informal approach, which can result in skipping essential steps like obtaining written instructions or documenting the scope of work. While this might seem like an efficiency, the lack of clear communication can lead to misunderstandings and unspoken expectations. The resulting tension may not only impact the professional outcome but also harm your relationship, creating unnecessary emotional burdens for both lawyer and client.
- 2. Unreasonable expectations:** Friends or family may hold unrealistic hopes or struggle to understand the limits of what you can achieve. When those expectations aren't met, feelings of disappointment or frustration may surface, placing additional strain on the relationship.
- 3. 24/7 accessibility:** Friends and family may expect constant availability, leading to blurred boundaries between your personal and professional life. This can erode your ability to decompress and maintain work-life balance.

4. **Clouded judgment:** It's harder to give clear, independent advice to someone you care about. Your personal relationship can influence your ability to assess their case or provide impartial advice. You may find yourself second-guessing decisions or struggling to deliver tough news, such as, "You don't have a case." This emotional entanglement can leave you mentally drained and less effective as both a lawyer and a loved one.
5. **Conflicts:** Even when you believe there is no issue, personal relationships can create conflicts that cloud your ability to act in their best interests. For example, if you are advising a family member in a business dispute involving another relative or a close friend, your impartiality is inherently compromised. Such conflicts can lead to difficult decisions and strained relationships, adding unnecessary emotional burdens.
6. **Fee conversations:** Discussing fees with loved ones can be uncomfortable, often leading to work being done pro bono or at a reduced rate. This can cause feelings of resentment or lead to financial strain, adding another layer of stress.
7. **Unhappy firm:** Taking on personal matters for friends or family can also create tension within your firm. Colleagues may question your objectivity or feel uncomfortable about the work being done. Additionally, conflicts of interest or missteps in the case can reflect poorly on the firm as a whole, adding professional stress to your personal concerns.
8. **Dabbling:** Friends and family may approach you with matters far outside your practice area, assuming you can "figure it out" or help anyway. Taking on unfamiliar work can increase the likelihood of errors, creating not only professional but also personal fallout. The guilt, stress, and self-doubt that follow a mistake involving someone close to you can be far more intense than with a regular client.

## Strategies to manage requests from family and friends

If the matter doesn't go as expected the impact on your personal relationship can be devastating. Strained family dynamics, hurt feelings, or even estrangement may result, leaving lasting emotional scars. When approached by a friend or family member for legal assistance, consider these strategies to protect both your mental health and your relationship:

1. **Refer the matter:** Explain kindly and firmly that they would be better served by another lawyer. Emphasize that having someone independent ensures objectivity, proper documentation, and expertise.
2. **Set boundaries:** If you do choose to assist, treat the matter with the same professionalism as any other client. Formalize the process—complete a retainer agreement, conduct a conflicts check, and document every step. This reduces misunderstandings and protects both parties.
3. **Seek support:** If you're feeling conflicted, talk to a trusted colleague or mentor. Sharing your concerns can help clarify your decision and provide emotional relief.

## LAWPRO coverage related to family and friends

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While helping loved ones is instinctual, the potential mental health and emotional risks often outweigh the benefits. Reflect on how taking on the matter could impact your well-being. Consider whether it might contribute to stress or strain relationships and make decisions accordingly. Referring them to another lawyer protects your relationship, ensures they receive objective advice, and safeguards your mental well-being. Saying "no" in these situations isn't a refusal to help -- it's a way to protect both yourself and the people you care about. ■

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*This article is adapted from Beware the dangers of acting for family and friends, Dan Pinnington, President & CEO, LAWPRO, and About to act for family and friends? (Resist – it's just too risky!), Lawyers Indemnity Fund*