



My client was my friend, until they sued me

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It's not unusual for architects and clients to be friends. It's also not to be discouraged. Architects, after all, are people-oriented people. And a project, whether large or small, will stand a better chance of success if the architect knows what makes the client tick. In some situations (we'll call them Client-to-Friend), a personal relationship grows during the course of a business relationship, as client and architect discover that they share common goals and ideas, and enjoy each other's company. In these cases, a professional client relationship may be extended into a personal relationship.

In other situations (call them Friend-to-Client), the architect and client have a personal connection before the professional relationship begins, so the architect already has insights into the client's thinking. In this case, even unstated needs and desires can be satisfied to the client's satisfaction and the friendship can only deepen.

At least this is what the architect believes.

The Architect was very upset. He was a very careful practitioner, with many years in practice, and ... he was crushed that his friend of forty years was suing him, and for an amount that would ruin him, since he had no excess insurance. - Pro-Demnity Claims Story, No. 27, "Cutting Corners"

There are many rules and clichés that advise against doing business with friends (e.g., don't sell a used car, lend money, or offer professional advice), and in some professions - legal and medical, for example - it's unwise or even forbidden to have a personal attachment to the object of your professional activity. But in all circumstances, there are two hard and fast rules: 1) Think twice about it; and 2) Proceed with caution, or don't proceed at all.

Architects are optimists. It comes with our job, which may be described as: building a better future. But as Pro-Demnity will never fail to tell you, healthy optimism works best when it's accompanied by reasonable caution.

This is to say that working for friends or befriending clients is not to be avoided. But conduct your affairs with a clear understanding that the two relationships – personal and professional – are separate.

Here are some guidelines on how to deal with personal-professional relationships:

It's Personal

1. When you work for a friend, it's not just that you know your client really well; it's also that your client knows you. Maybe they think you're the best architect in the world, and that's why you're the ideal designer for their home/ office/ restaurant. Don't disappoint them. Be scrupulously honest about representing your skills and experience.
2. Architecture is a creative exercise – often an expression of an architect's personality, feelings and beliefs. When your client is your friend, their comments about your work may start to feel especially personal. Discuss it, and focus on the work.
3. "Never design a bedroom for a friend." This bit of advice is intended as a reminder that you-as-a-friend may be asked to solve problems (e.g., marital) that you-as-the-architect are not qualified to solve.
4. On and off the clock: Despite the current focus on maintaining work-life separation, some practitioners prefer to interlace their social and professional lives. Keep your work-hours and friend-hours as separate as you can. If you are charging by the hour, be certain that your client-friend knows when the clock starts and stops. If you're meeting up for a chit-chat, don't write it off as a business expense.

It's Professional

5. "It's just business" is a phrase that doesn't quite work in architectural practice. Architecture is a business, but it's also a service, and architects owe a "duty of care" to all clients; in other words, they watch out for them. Friendships ebb and flow, but professional duty of care doesn't.
6. Even in their private lives, architects are expected "to conduct themselves in accordance with the profession's legislative and other requirements." At times, this may prove especially tricky, but any breach of professional conduct, anywhere, anytime, may provide the basis for disciplinary proceedings, or worse.

7. Never let your friendship obscure your basic professional obligations. As stated in the *Architects Act*, your first obligation is to the general public. Your client-friend has no such professional obligations.

They may have interests that conflict with the public good and expect you to place their interests above all others. "Duty of care" applies to protecting your client and the public.

8. If worse comes to worse, and your "friend" makes a claim against you, remember that a judge or mediator won't evaluate whether you were a good friend, only if you were a competent architect.

It's Both Personal and Professional at the same time

9. Professional relationships share many characteristics with personal relationships: honesty, respect, mutual trust and understanding, regular communication, concern for each other's welfare, etc. The personal-professional division line can be extremely fuzzy, but do your best to agree on where it lies. Make this an ongoing discussion.
10. As always, manage expectations - yours as well as theirs. Don't let your friendship lead you to adopt unrealistic budgets, deadlines and standards.
11. Not being paid can feel personal. Keep your invoicing up to date. Make sure you and your client-friend are on the same page at all times, and iron out any personal-professional confusion as soon as it becomes apparent.
12. It's your friend's money that's on the line, not yours; however, "It's not wise to give your friend-who's-a-client a special deal that hurts your business."
13. Be especially careful with clients that have "boundary issues" - those who believe that a professional relationship necessarily implies or leads to a personal relationship. Establish rules and keep social media separate. Use your professional addresses in all correspondence. Start your emails with "Dear [Client Name]," not "Hey, what's up?"
14. Don't let your friendship lull you into relaxing rules, regulations and professional obligations. Pro-Demnity has seen relationships sour (see quotation, p. 2). It's a sad situation for all, but it can be especially damaging - personally and professionally - to the architect who has extended friendly leniency to the client, only to see the "friend" accuse the architect of bad behaviour. When this happens, architect-friend and client-friend both suffer a personal loss, but for the architect, the repercussions may be far worse: professional, financial and reputational.

In his book *Architect?: A Candid Guide to the Profession*, Roger K. Lewis points out "Most good architecture is the result of a successful collaboration between a talented architect and an enlightened motivated client." 2 Together, a talented architect and an enlightened client can accomplish great things. And it's hard to imagine that two individuals with these qualities could be anything other than friends - that is, friends with a solid and sustainable professional relationship.

This is accomplished by observing one simple principle: such relationships are preserved and strengthened by being kept separate.

Contact our Risk Services team if you're facing any client-related risks and speak with Pro-Demnity's in-house architects for further guidance and one-on-one confidential support.

OUR CONTRIBUTOR



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