

# Consulting Arborist Committee Roundtable

## Discussions: “Red Flag” Clients

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Whether you are a commercial arborist, consulting arborist, or perform other aspects of tree care, you don't just deal with trees but also the people who are their owners or managers. Sometimes prospective clients may make us reassess how to navigate these business relationships or even turn them down. At what point do you realize that you might be working with a problem client? What “red flags” alert you that it may be time to take a step back and choose your next move carefully?

This was the topic of discussion at the June 2022 WCISA Consulting Arborist roundtable. Dozens of participants logged in from multiple time zones to share their personal experiences of less-desirable client interactions.

What follows is a list of red flags, adapted from the list of examples submitted by Torrey Young for the roundtable discussion:

### *Prospective Clients*

- **Negotiates** – Tries to negotiate your stated fees or policies right off the bat (e.g., retainers or flat rates).
- **Not to exceed pricing** – Wants a flat fee or “not to exceed” despite your policy of hourly fees only. In some cases, this may be common practice, but in others, it may create a huge liability if the time for performance greatly exceeds your original estimates.
- **Lack of discussion** – Immediately expresses what they need in your report, e.g. “I need a letter to get the tree removal permit” before any discussion.
- **Oversimplifies** – Oversimplifies what is needed, e.g., “the City says I need an arborist report but there is only one tree near the construction.” Sometimes a greater level of detail is needed before advice can be given.
- **Decision maker unclear** – Unclear about who you will be working for, or who the property owner is, i.e., who will be paying.
- **Wants fees before scope of work is understood** – Asks too early for fee details like, “does the hourly inspection fee include the report,” or “how long does it take to write

the report.” Without knowing the scope of work, how can you answer these questions?

- **Not the tree owner** – Is a tenant, i.e., not the property or tree owner or decision maker.
- **Not the person paying** – Is not going to be the payer.

### *Attorneys as Prospective Clients*

- **Rush retention** – Needs to disclose experts by tomorrow.
- **Wants preliminary thoughts before paying** – Wants to send you a few photos and documents to see what you think before retaining you (agreement & retainer payment), thereby risking disqualifying you from working for other parties.
- **Work before formal agreement** – Wants you to review documents and perform a site inspection before processing the written agreement or paying the retainer you require in advance.

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### *Existing Clients*

- **No signature** – Makes an inspection appointment but doesn't return the signed agreement.
- **Refuses electronic communications** – Wants to bring the signed agreement or payment to the site inspection (in this era of email, overnight delivery and electronic payments).
- **Revisions of substance** – Wants you to revise your report to fit their needs, often under the guise of “corrections.” You may need to stand your ground with pushy

clients who suggest that you change your opinion.

- **Lack of candor** – Doesn't give you all the information upfront. For example, you show up on the site and see myriad obvious issues not mentioned. The client wants the neighbor's dangerous trees removed, but didn't mention that it would provide them a view of The Golden Gate Bridge.
- **Prior poor tree care** – Wants an appraisal value for the tree the neighbor trimmed on their side, but you see it was repeatedly topped and sheared for years by the owner.
- **Nondisclosure of tree ownership** – Wants an assessment of the risk posed by a big tree but doesn't disclose that the tree belongs to a neighbor.

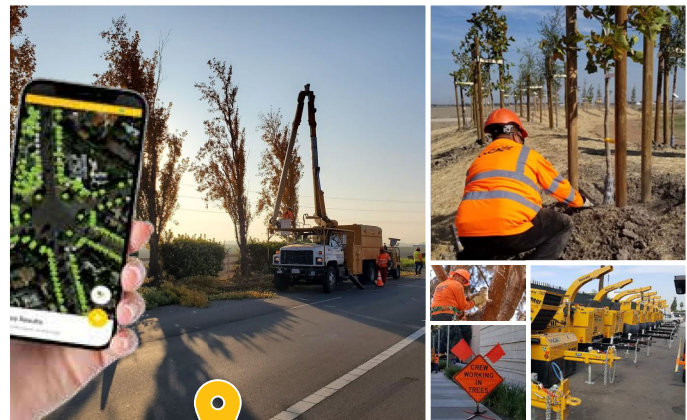
Sometimes, the client or prospective client doesn't realize their conduct is creating a potential problem. Other times, the client has a self-serving intent. In some cases, you can politely and tactfully identify the potential conflict and explain your business policies and agreements and/or why your conduct is limited by ethical standards of professional practice.

Ethical and business issues abound, so when assessing a red flag client, make sure to take extra care to avoid falling into complications beyond the scope of work, sometimes referred to as "scope creep." At times, such red flags signal simply declining the project, while other times, clarifying the issues within executed agreements may provide resolution. Where concerns reflect compensation, consider retainers and/or progress payments.

It is a worthwhile investment to resolve issues before investing your work time, rather than to debate and chase payments after your work is completed and in the hands of an uncooperative client. Make sure to stay objective. Set your client up with expectations of your payment systems. Make sure your client is aware of when and how you expect payment. The more you are clear, upfront, and systematic in your approach, the fewer uncooperative clients you will have later on.

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