

SEVEN TIPS FOR CLIENTS OF ATTORNEYS

To make the most effective use of an attorney, seven (7) basic concepts enable a client to get the maximum value out of their relationship with their attorney. We have organized this material into seven (7) basic questions, with the answer to each question set forth as a narrative, and then condensed into the form of a simple statement, or “tip.”

SEVEN TIPS FOR CLIENTS OF ATTORNEYS

1. What is special about the working relationship between an attorney and client?
2. What is special about the rights a client has with an attorney?
3. What special responsibilities do I have as a client?
4. How much does using an attorney’s services cost?
5. What is a representation letter?
6. How is billing handled?
7. What is the key to a successful attorney-client relationship?

1. *What is special about the working relationship between attorneys and clients?*

Privacy is the special feature of the working relationship between attorneys and clients. Our legal system is built on the very important principle of attorney-client privilege. What a client says to the attorney representing the client is confidential and cannot be repeated without the permission of the client. Why? Because an attorney cannot properly represent and defend a client’s interests without knowing the truth.

Clients must be able to talk openly and freely with their attorneys and tell them everything that has happened that is relevant to the situation. Clients can feel confident that discussions with their attorney are private and protected by attorney-client privilege.

Tip # 1 – Be honest with your attorney and rely on the attorney-client privilege. Something you have kept hidden from your attorney can be costly.

2. *What is special about the rights a client has with an attorney?*

Clients have a right to have their attorney explain the law and their options in language that they can understand. Attorneys do not make decisions for their clients. Attorneys provide the legal information clients need to make decisions for themselves. For example, your attorney must tell you about offers that have been made to settle a case or to change a proposed contract, so that you can decide how to respond to the offer.

Attorneys will usually provide periodic updates to clients about how their case or matter is progressing. Clients should feel free to make inquiries if they feel that they are uncertain of the status of a case or matter or the time table for how the case or matter will progress.

Tip # 2 – Ask questions if you don't understand something. You need to understand the information and advice your attorney gives you, so that you can make decisions and instruct your attorney on what you want to do.

3. *What special responsibilities do I have as a client?*

Attorneys need their clients to be clear about what they want. Sometimes, you will need to know more about law and get legal advice before you can decide exactly what you want to do. The important thing is to make sure you discuss your goals with your attorney, and to talk together again if something happens that makes you want to change your goals.

Attorneys need their clients to tell them the facts and details that are relevant to the matter or case. Depending upon the specific goals of the client, and the specific facts and details, an attorney may pursue different courses of action.

Tip # 3 – Be clear about what you expect your attorney to do for you. Don't make the mistake of talking about "A," when you are hoping for "B."

4. *How much does using an attorney's services cost?*

The cost of handling your legal issue or problem is something to discuss with your attorney. People often find the subject of money awkward, but the best way to avoid misunderstandings about your attorney's bill is to talk about cost right away. Ask your attorney to estimate what could affect the total cost. What is his or her professional fee? What are the out-of-pocket expenses in addition to the professional fees? How often will you be billed? What are the cost implications of other options for solving the problem?

Attorneys generally charge for their services in one of these ways:

The Fixed Fee – A fixed fee is a set amount for a specific task, such as forming a corporation or handling a straightforward real estate transaction. Attorneys are most likely to agree to a fixed fee when they know exactly what work needs to be done in advance and when they can predict the amount of time and effort required to complete the work.

Hourly Rate – In matters which are not uniformly predictable with a high level of confidence, attorneys are likely to charge fees based on an hourly rate – \$X per hour multiplied by the number of hours the attorney spends on your matter.

Tip # 4 – Discuss money with your attorney. You need to have a clear idea of how much your attorney's services will cost and what factors will affect the total cost.

5. What is a representation letter?

A representation letter is a letter your attorney may give to you and that you would usually sign. It sets out what your attorney is going to do and how you will be billed. A representation letter may include information on:

- a. the nature of the legal problem;
- b. the services the attorney will provide;
- c. an explanation of how fees and costs will be calculated;
- d. the amount that is owing immediately as a retainer;
- e. the attorney's billing practices; and
- f. where there are multiple clients in the same matter - a statement on how the attorney will handle "conflicts of interest" between the clients, once you have retained the attorney's services.

By far the most difficult concept for clients to grasp in representation letters is the concept of "Conflicts of Interest." It is not unusual in for clients to jointly hire the same attorney to achieve a certain result. In these instances, there is a "Conflict of Interest," at least potentially, between the two or more clients. In these cases, where the attorney judges that the potential conflict can be successfully managed, each client may be asked to waive the "Conflict of Interest" to authorize the attorney to provide common representation to the group of clients.

Tip # 5 – Understand your representation letter, including, when applicable, "Conflicts of Interest" inherent in common representation of two or more clients by the same attorney.

6. How is billing handled?

Your attorney will send you an invoice showing legal fees and disbursements according to the representation letter. Usually, an attorney generates invoices for all his clients once per month if there was activity on behalf of the client during the month.

As a client, whenever you receive an invoice from your attorney, check the representation letter to see if the invoice reflects the agreement you made with your attorney. If you do not understand something in the invoice or believe that the total is incorrect, discuss your concerns with your attorney right away.

Tip # 6 – Review the bill you receive right away. If you believe it reflects the agreement you made with your attorney, pay it on time according to your agreement. If you have concerns about it, discuss it with your attorney immediately.

7. What is the key to a successful attorney-client relationship?

Communication is the key to a successful attorney-client relationship. A productive relationship begins with good communication – clear, honest, forthright exchanges of information and ideas that are based on facts, not assumptions.

The sooner you tell your attorney what is bothering you, the sooner your concerns can be resolved. Your attorney has a responsibility to inform you about what you can realistically expect in any matter, or from the legal system, in general. Clients should be aware of what types of results might occur based on the attorney's past experience and knowledge.

Tip # 7 – Problems cannot be solved if you keep them to yourself. If something is bothering or upsetting you, tell your attorney. Ask your attorney if you are unsure of what results can be realistically achieved.

THE SEVEN TIPS IN REVIEW:

Tip # 1 – Be honest with your attorney and rely on the attorney-client privilege. Something you have kept hidden from your attorney can be costly.

Tip # 2 – Ask questions if you don't understand something. You need to understand the information and advice your attorney gives you, so that you can make decisions and instruct your attorney on what you want to do.

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