

# Popular Threads on Solosez

## How Are You Handling Detailed Email Legal Help Requests?

Dear Firm:

I am getting regular emails from people requesting legal help, by sending very long, detailed emails. A few times these emails have several (4 or more) attached documents these people want me to look at. I want (and need) clients, but I don't want to invest an hour or more looking at people's documents without a paid consultation fee or at the very least a committed client having signed a representation agreement. I don't want to alienate a PC (POtential Client), but also don't want to do work for free. IDEAS?

Thank you very much--the help I have gotten here has been a life saver.  
Sergio

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Very simple. As Ann Landers would say, nobody can take advantage of you without your permission.

Send them an e-mail stating that you have not looked at the documents, no attorney-client relationship has been established, and that they need to call you to set up a consultation appointment (include your fee for the consultation), and that you will not look at any documents unless and until you have met with the client.

Sasha Golden, Needham, Massachusetts

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I don't get a bunch of email requests, but I do get phone calls saying " Blah blah, blah, so can I fax you the documents?" and I say, no, you need to photocopy them and send them to me along with a check for a retainer; \$250 should about do it for me to look over the documents and for me to call you back to discuss your options.

If it were email, I'd send a polite, but pointed reply to the effect that:

I'm very sorry, but I am not about to review the documents, until I get a retainer from you. I need (figure about 2 hours times your hourly rate) from you and photocopies of the documents; upon my receipt of the check and the documents, I'll be happy to look them over and call, or email, you back and discuss your options

Note, you are not assuming responsibility for the case; you are merely going to discuss options.

If they're going to pay, they'll send you a check; if they won't spring for the \$250, screw them, alienate them, because they aren't a "potential



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client" they're someone looking to pick your brains for free.

Ronald A. Jones, Florida

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We have a firm policy to obtain basic information from the prospect over the phone, determine if it's something that we are interested in handling, and then we schedule an appointment at our office. We want to meet the prospect and ensure that they are serious about hiring us and not cherry picking for free advice. We also email the prospect a new client questionnaire in advance of the appointment so that we can get essential information about the person. Other than PI or med mal cases, we charge for the consultations because we don't want to provide free advice or waste our time. If we take the case we credit back the consultation fee. Since any information you provide (whether it be specific advice or not) can be alleged as forming the AC relationship, I'd rather get paid if someone intends on relying on my advice!

Gordon M. Berger, Atlanta, Georgia

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The responses other members of the Firm have suggested regarding e-mail solicitations are appropriate, in my view, but the first thing you should do when contacted by phone is to get the name and address of the person so you can send a non-engagement letter -- "I gave you no legal advice, you are not my client, I will do nothing for you, beware of possible statutes of limitations." Of course, after you get the name and address you should ask them to come into the office. If they decline, send the letter. If they won't come to the office they're just tire-kickers. Additionally, you can't perform a "wallectomy" (the only surgical operation a lawyer can perform) over the phone.

John D. Kitch, Nashville, Tennessee

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I can relate. See my email disclaimer at the bottom re no a-c relationship formed. I am on some employment law sites where people can post questions. If I respond with general advice, they sometimes email me asking for more specific advice. My standard response is to email them back and say I would be happy to make an appointment for an initial consultation which I offer for x amount and for them to call me if they'd like to make an appointment. I do not answer specific questions of PCs via email. I haven't gotten attachments yet, but if I did, I would email that I don't open unsolicited attachments and ask them to call to make an appointment to discuss their case and for me to view their documents that they'd need to bring to the appointment. Ellen Buckley, Westminster, Colorado [Receipt of this email does not, by itself, create any lawyer/client relationship between us. A lawyer/client relationship is only established by the signing of a written fee agreement with the Law Office of Ellen Buckley.]

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I have read some of the responses from others, and I cannot say that I do not agree with them in that "something" must be paid upfront for your time.

When I started my practice a year ago, I always gave my clients the benefit of the doubt, by taking cases on with a 'delayed' retainer. I say delayed because I would take a case, and the initial fee would be paid the next day, the following week, or a month later, etc.

I learned a very valuable lesson early on: do not take a client on who cannot afford it, from start to finish. You will get burned.

If a potential client cannot appreciate the fact that you are trying to make an honest living by supporting your family, it's just not worth it.

ALTERNATIVES: Don't have an e-mail address on your business cards. My California Bar instructor (who was a great teacher), never had an e-mail address, and never gave it out even if he did have one. I asked him about it one day, and he said that he does not use e-mail because he does not like getting bogged down with students questions on the computer. He would rather they make an appointment to see him. You know what? They always came to see him.

Brilliant guy, but maybe not so technologically advanced, I understand. However, for him, as a private bar instructor, it works for him. I don't see why you cannot tell clients that "I do not use/check my e-mail that often, and all my work is usually done at my office."

Mazen Salfiti

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Decide in advance what is and is not acceptable for your practice. If the email is a crock, politely decline to review or comment on it and suggest they contact local bar referral service.

If the email is a matter of interest, you can ask them to sign an employment agreement and send a check for the review or schedule an appointment to discuss once paid. If online access is important and physical visits impossible, then wiring money or overnighting money or Paypal or credit cards may get you funding.

Darrell G. Stewart, San Antonio, Texas

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Thank you very much for your comments. I have written a standard email inquiry reply letter, incorporating nearly all I've seen from the firm. I apologetically reply that it is my firm's policy not to give email advice nor to review unsolicited documentation. I amiably insist they call for a consultation, and list the price, letting them know it is waived if I retain them as a client.

I also add the option of a telephone consultation, once they sign an

agreement understanding the fee represents ONLY a consultation fee where I discuss the case and legal options, and I receive a check. I believe, and others have already said this, that there are many people fishing around for free legal advice, and I don't have the time for it. I prefer to CHOOSE when my pro bono time is, and not the other way around.

Sergio Benavides

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To the contrary, if I get a phone call from a prospective referral, and they are not very clear in the brief phone conversation on why they want to hire an attorney, I ask for an e-mail. I then review the e-mail, at my leisure, and decide whether to invite the prospective client in for further consultation. I also keep two e-mail addresses. One for this purpose, and my "real" one.

Thomas C. Valkenet, Hunt Valley, Maryland

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This is essentially a variation on the phone-consultation or free-consultation conundrum.

In my experience reading these threads over the years, I've found that a lot depends on your type of practice, and particularly whether it's high-volume or not, and whether it's contingency-based or not.

I have a low-volume litigation practice in which some cases are hourly, some are contingency. I don't hesitate to spend an hour or more, no charge, reviewing a potential matter, talking to the potential client, etc, if my initial take is that he's got a contingency case with good damages that I'd be interested in. I consider this "free" work to be my due diligence: how good is the case; is the evidence solid; any major fact disputes; what are the damages; does the defendant have money?

In this regard, I LOVE it when a potential client sends me documents. A detailed email describing what happened would also be welcome. In fact, I generally try to avoid a meeting with a potential client before I can review some paper, because I typically don't want to listen to a long story about "what happened" only to find out that there's no hard evidence, and they want me to take it on a contingency fee, and the defendant just declared bankruptcy. My preference is to get a 5 minute version of what happened, and then review the contract or correspondence or whatever, before meeting. That way, my meeting with the potential client can be much more productive for both of us.

All this is much less of an issue if it's an hourly case. In that situation, I'm less concerned about whether I can win than about what the client wants, what she's willing to pay, how quickly do I need to get an action filed or get an answer out, etc. The detailed facts can wait till after a retainer agreement is reached.

On the other hand, if you have a high volume practice, or you never take

anything on contingency, then I agree with the notion of not reviewing documents for free, because either: (i) you'd spend your entire day reviewing things for people who probably won't become clients; or (ii) you would charge them for reviewing those documents after they retained you.

If you're in this second camp, then I agree with the advice about setting up a meeting, etc.

Patrick W. Begos, Westport, Connecticut

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I too echo Patrick's response, your response depends on the type of case and what it is that the person is calling you about. I've had email solicitations on a wrongful death case. You can bet that I jumped right on that calling the client up immediately and talking to them. Turned the case down in the end, but I probably talked with him for over an hour in a several day period. That's the nature of any type of contingency fee practice - you weed through stuff to get to the good cases.

I've told this story before, but maybe not on Solosez. I once had a potential client call me with an employment issue for her husband. She claimed that ever since her husband found God his co-workers were giving him a hard time because he wouldn't go have a beer with them anymore. My first thought was to tell her that any religion that doesn't allow you to have a beer with your buddies is not a good religion to adopt. But that's not my call. I'm a lawyer, not a minister. I was also not in the mood to listen to any sob story about how someone's boss is just mean, yada, yada, yada. But I kept talking to her and asking her other questions for about 20 minutes. Sure enough she worked for the same employer, doing the exact same thing that hubby did and for a year longer. Yet she still made \$1.00/hour less than him and all the other men in the department. Less than 6 months later the case settled for a rather handsome attorney fee. Just because your client's crazy doesn't mean that they don't have a darn good case.

Sterling L. DeRamus, Birmingham, Alabama

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Check this out. Go to this firm's website. <http://www.jenkens.com>

Click on Attorneys, then List by Name, then click on any attorney's name, then click the hyperlink to send them an E-mail.

What a disclaimer! I wish I had it!

Patrick C. Haynes

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