

# Popular Threads on Solosez

## Responding to Calls for Advice from Other Lawyers

In almost every identifiable area of the law there are traps for the unwary (haven't had a chance to use that phrase for a while) hidden in some dim, dusty corner of the law. A lawyer who has experience in a particular matter, can (and will) alert you to the traps you need to watch out for--if you ask him/her. I've never met a lawyer that wasn't glad to help another lawyer who is unfamiliar with an area of law. I remember that I said something along those lines to a lawyer one day and he responded that you don't have to do that--all you have to do is read the statute and the annotations. I don't know if he ever went down in flames or not--but he was certainly giving himself a good chance at it.

Dick O'Connor

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It depends there are several categories.

1. Friends and close colleagues- I always expect to ask these people for free as they do me. Its a natural part of the profession
2. More experienced attorney- for basic procedural questions its a form of mentoring. As long as I feel its welcome its not something that should be charged for. I would do the same.
3. Special expertise- If I'm calling for advice about how I should handle something then yes it would be reasonable to be billed its a sliding scale on how specialized the knowledge is. If its extremely specialized (like FERC which Carolyn does) then absolutely it is appropriate to bill.

However, if its extremely specialized then there is an implication I am calling to refer business if appropriate. I believe it is general custom that such calls from colleagues are welcome. A lot of lawyer who are obsessed with valuing their time don't differentiate. You should always state before you charge because a naked request for information is an implied gift in common usage unless charges are agreed among professionals.

Therefore if I called Carolyn and was "I'm D.S. a family lawyer" and I have a client "who needs help with windmill permitting how does the process work" then the natural assumption would be that I'm trying to get a description of the product "getting a windmill permitted" so that I could then sell my client on and then refer the client. This is normally considered a favor. If I was doing it myself I'd ask "what should I do" or a question of such specificity that it was obvious I was in the process of doing it myself. If Carolyn wished to charge for that information she should then reply "now I'm going to have to charge you \$x to answer that". Sending a bill afterwards implies you're too chicken to bring it up in person. If you're on this list you are probably an attorney or thinking of becoming one do you really want to get a reputation for being chicken? (If you want to bill in the future then send a bill and put a first consultation discount to reduce the



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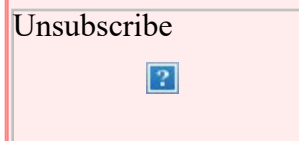
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balance to zero).

David Sandy

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If we're going to start charging for advice to other lawyers, I think that I owe at least 50 solosez lawyers a total of \$10 million!

Carolyn Elefant

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I have been on both ends of this -- the asker and the askee. As askee, if it is a simple and quick question, I will answer it. If it is more involved, then I ask my colleague to schedule some time for us to talk. I do not expect to be paid (but do then consider this person to be a source of help if I should ever have a need). Conversely, when I am the asker, if it is a question that I perceive as being complicated (typically because I have spent some time doing research and have surmised that the issue is complicated), I will ask to schedule an hour with a colleague and offer to compensate him/her for the time. I have never had anyone accept the offer to pay; however, I do it to acknowledge that they are in business and their time is valuable to me.

In all, as previously said - nice makes nice.

JW

Jaconda Wagner, South Orange, New Jersey

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I agree. Since I am practicing an area that is somewhat specialized (immigration) I have received numerous questions. Typically, I get a couple each week. I also answer questions on the American Immigration Lawyer's Association message boards and I am an AILA mentor. I have occasionally (only once or twice in 8 years) been paid for the assistance, but in those cases I did more than answer a few questions, I basically provided consultation throughout the case.

I find that answering questions keeps me knowledgeable and current in an ever-changing legal environment. I am also a member of the Immlog mailing list, which is a resource for immigration law second only to AILA.

Jim Mills

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It has never occurred to me to charge another lawyer who just wants a little advice on how something is done. And now that I've heard of it, I still wouldn't do it. Lots of other lawyers have helped me over the years - I just look at it as returning the favor.

Sometimes the other lawyer will just want to refer the matter to you, but I certainly don't give advice hoping for that (and some of the cases, I can assure you, I wouldn't want).

Veronica M. Schnidrig, Clackamas, Oregon

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I just usually view it as a good way to network. After all, a lot of our clients come from referrals from other attorneys.

However, I am the one usually asking the questions.... I second Marie. Not sure how I would be practicing if other attorneys did not help me....

Laura M. Chuang

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It depends. If it is a 10 or 15 minute conversation and I can answer the question, never, even if they tell me to bill them. If it is 2 hour consultation with substantial questions, yes. The breaking point is somewhere in the middle. When you have been out a long time, it is much easier to call someone who knows the answer. You get to catch up with people that you may not have seen for a while. In the practice of law, perhaps like life, what goes around, comes around. Sometime you will be asking the question. As an aside, many times after answering the question, you get the client referred to you or you get the next case that the lawyer has in the area. They feel an obligation to send something to you. If you make it a monetary issue from the first, the entire thing loses something, and, you can't call them and ask for something in return.

Marc Stern

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Who wonders what she'd be doing for a living now without the gratis help of nearly every other attorney who unwittingly passed within the orbit of advice? "Do you want fries with that?" Hmm, sounds about right.

Marie Clear, Bartlett, Illinois

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I always answer substantively, and would never dream of charging. If they insist, I have them buy me a mocha.

My reputation is for successful executions on judgments, so i get a lot of these calls. The simple truth is -- if I tell them what I do and how I do it, they are quite likely to refer their judgments to me for collection. I add in which parts I do, and how I bill for it, as part of the answer on any problem/question posed to me. I have more business than I can handle right now.

And I have a world of fine lawyers who don't want to screw me over if they get the chance. That's priceless.

Mary L. C. Daniel, Winchester, Virginia

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I tend to agree with the other posts, and would offer a little extra advice. My practice is highly specialized -- environmental. I get calls all the time from other lawyers who have questions. General questions or specific but simple questions get an immediate answer and "plain English" explanation so that they can answer their client's questions in a way that makes sense to the client and makes the lawyer look intelligent and well-versed. If it's an issue that truly does require more than a simple answer, I give them the

gist of the answer and let them know what the variables are that would affect it, how they might affect it, and give them a good idea why this is a question their clients should pay an expert to handle. I then let them know I would be happy to help them deal with the issue, or if they would like, I could meet with them and their client to get enough information to answer their questions or offer advice and explain the laws after I get enough information to conduct a conflict check.

I always let them know that I expect to work through them, with them remaining as the primary client contact. If they want to cut me loose to deal with the client one-on-one, that's up to them and their client, though I still expect to keep them informed regarding how things progress. If it's a referral of someone who is not their ongoing client, I simply let them know that I will or will not be able to help the client or let them know that the matter has been concluded and whether the client was satisfied with the outcome in order not to violate attorney/client privilege. I want them to know from the beginning that I wouldn't think of trying to "steal" their client. All I do is environmental, and when other lawyers refer their clients to me, part of my job is to make that other lawyer look good in front of his or her client. For those of us in highly-specialized practices, other attorneys are as much our "clients" as the clients they refer.

Then I follow up. I send an email or short note reiterating what I explained -- generally the short answer to their question, and reiterating what the specific question was so it's clear what I'm answering. Or I send them a short quote from a statute, regulation or case. Then I offer to assist further if they need it.

In short, I help free of charge when it's a mentoring-type matter or a relatively simple question regarding my specialty area. If it's going to take a substantial investment of time, if it's substantial enough that my malpractice insurance could be called into question, or if there is a lot of information gathering that has to take place before I can answer the question, then I typically let them know that it's a more complicated question that I can't answer without a formal engagement and explain what I think it would take to get them an answer. But I routinely call lawyers who practice in other areas for advice (and sometimes even other environmental lawyers), and they are always most generous with their time and insight. Consequently, I expect to pay that sort of advice forward. Plus, as an added bonus, it's great marketing. People do business with people, and referring matters out to attorneys who specialize is no different. Building good relationships and showing them that you are good at what you do are key to getting those future referrals.

Just my two cents.

Rebecca Wright Pritchett, Birmingham, Alabama

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