

Popular Threads on Solosez

REVIEWING DOCUMENTS IN ADVANCE OF FIRST MEETING

Over the past couple of weeks I've had a few people offer to send me their documents so that I can review them in advance of our first meeting.

No money has made its way into my account and I don't charge for consults.

I understand their theory, but sort of feel like I'm working potentially for free, especially if they decide not to retain me.

How do you guys handle this?

I have taken the "stance" that I don't give legal advice for free. Maybe you need to charge for the time to review the documents.

Or review the documents and tell them that you will give them your legal opinion about them when they retain you. For example, "Now that I have reviewed your documents, I am familiar with your situation and I do have a couple of suggestions. However, if you would like to discuss this further, we will need a retainer agreement to protect both you and me."

Stefanie Devery, New York

I've thought about this issue and my conclusion is usually the following:

Most of my private sector practice is estate planning. Much of the review of existing documents I do is part of the sales process to highlight what is fundamentally wrong with the planning (or lack of planning) they have in place. While that could strictly be interpreted to be providing a service - knowledge is empowerment - it's not where I make my money. I make my money when they engage me to plan their estate with my philosophy and my approach. So, in short, I don't charge.

On the other hand, I also provide other services to my estate planning clients (review of employment agreement, custody plans, etc.) and for that, the review IS the service that I provide. So, I'll charge something for giving my opinion on the matter. It's worked very well as I had one client that told me that one particular nugget of information I gave her was worth the whole fee (even though she received more information than that in my review).

So, my advice would be to see what it is you're selling them. If education on their existing documents is part of the sales process, then it should be free. If the education IS the service, then no.

Just my two thoughts,

Victor Medina, New Jersey

I don't charge to review the documents either. I like to receive them so I know what to expect and plan my answers and strategy ahead of time. I also don't like to charge PCs when I may not be able to help them.

However, I have made it a policy to charge a discounted hourly fee for the consult. It seems to filter out the PCs that were simply coming in for free advice and free doc review. I also credit the PC for the consult fee, if they retain me, on their first invoice. That seems to lessen the blow.

Good luck!

Melody Pullen, Florida

Don't do it; it's a time suck. Remember, initial consult, if FREE, is sales meeting; what you can do for client and what you will charge. Think "free estimate", not, free service. If you're reviewing docs before meeting, client expects substantive legal advice; which you shouldn't provide for free.

You can either do cursory review of docs at first meeting and tell them what it will cost for full review (i.e., in the case of someone coming to me to review a 60 page commercial lease; I'll tell them it'll take about an hour to go over it with them, but I'm charging for the hour, or a couple of hundred pages of stuff, where I'll quote them a few hours to review and write them a letter) or it's something that I can review fairly quickly; i.e., complaint for foreclosure, they come in, I'll spend a few minutes looking it over and then tell them what I can do and what it will cost.

Remember, manage clients expectations; if they're expecting you to spend an hour or so reviewing the documents, THEN to meet with them and to discuss, in detail what they want to know for free, you're not managing their expectations.

First meeting; get a handle on what they want and what your task is; THEN quote fee for task; if they don't or won't pay it, then don't provide your services.

I know it's tough to draw a line and stick to it, but practice, practice practice.

Ronald Jones, Florida

I completely agree with the other folks, though, apparently unlike them, I'm a new convert to this position.

I've had a few potential clients call who were referrals from people I know well and who send me other work. The PC's had a few short documents that they wanted me to look at which were, frankly, essential to understanding even the contours of the case because the clients just weren't that great at explaining what their case was about.

I read the documents and, absolutely, it was a time suck. It puts you in an awkward position of being asked for legal advice before you can know enough to meaningfully give it, and then you're giving it for free.

The one thing that I find frustrating is that a number of the potential clients I talk to are able to share documents like this with other lawyers. I thought the PCs were just lying, but it happens often enough that I think they aren't. I'm not sure what to do with that, other than to tell them I don't give my time away, and if they can find a lawyer who is willing to do that, I can understand why they may want to hire that person.

But I think Mr. Jones is right - you've got to control and shorten the amount of time that you spend talking with the PC before they hire you.

Matthew G. Kaiser, Washington, D.C.

Thanks Ronald and all,

I know your answer wasn't in response to my questions this morning, but I'm struggling with a similar issue. I'm still having trouble getting past the no retainer agreement issue for when a client comes in for an hours worth of document review, or an hours worth of discussing what their legal obligations in some matter under the law, or to assure a shareholder of small corp. that they are not liable individually for an act of the corporation (which may become more complicated as PC doesn't have copies of anything he signed, and who knows if the company will send).

I don't want to have a meeting, discuss my fees and have them get back to me for a minor matter. Yet, all the prevailing wisdom suggests I should have an agreement in place limiting the scope of the matter, etc.

Especially if I continue with "value" or flat fee billing. Because now the suggestion is that I need to tell PC that I will charge a certain amount to review the documents, a certain amount if PC couldn't get the docs and I either have to make contact with the company or do something to compel them and then if more action to be taken... Writing special fee/retainer agreements takes me more time than the whole fee that might be generated.

Anyone with advice on this dilemma?

Ellen Victor

Can you write up a form fee agreement for such engagements, then fill it in with the client's name, scope, and fee, when you meet with them? A little up front conversation about that when you're scheduling the appointment can be helpful as well.

Matthew G. Kaiser

Whether or not you review documents in advance really depends on the type of engagement being

contemplated. If it is for document review, preparing a contract, or something that the representation requires the review of documents then it is not something to do.

If it may be a contingency case you are not getting directly paid for the review time anyway, so the more you know in advance the better. The client will tell you all the good, but the documents will tell more of a story.

If you are reviewing documents and then find yourself giving, or being asked for, legal advice before retention, then this needs to be addressed in how you handle the consults. My consults are about what I can do for you, not what you should do. The documents I review tell me whether I want to take on the matter, the terms, and other issues related to the fee agreement (fixed portions based on events).

As an example, PC called me yesterday about a possible claim. She gave me details of the claim, but to determine if the case is worthwhile to me I need more details. This is a claim that may be a contingency claim. I can agree to represent her and learn that the case is horrible, damages not great, liability will have issues, and then have a hard time ceasing the representation. Or I can review the matter briefly to determine what damages and liability may be and then give her options. I can take the case hourly, on a contingency, or under a limited scope agreement for a fixed price.

When I have done this I end up with a happy client, or PC, that will refer others to me. I control the initial consults to be sure I am not being taken advantage of. The loss time is attributed to marketing and client development.

My two cents,

Phil A. Taylor, Massachusetts

I get (and decline) that request all the time.

I explain that my office cannot accept any documents for people who are not clients; it is usually inappropriate for me to be in possession of an unaffiliated party's personal information. Everyone seems to think that makes perfect sense; I have not had any protests.

There are some exceptions. There are a few cases where it makes sense for me to see the basics of the case first. For example, a foreclosure/debt defense client will generally bring me in the most recent letter which sparked the call to my office. But generally speaking, I do not want them to be my responsibility.

If they want to meet in person and have me ready to discuss their documents at the first meeting, they are free to mail (or drop off) the retainer agreement first. Once I have that the agreement I will happily review their documents even if I have not yet met with them. I can also arrange dedicated time to look at their documents, e.g. "I cannot accept your documents until you are my client. If you are in a hurry but cannot execute the retainer until Friday morning, I can block out three hours on Friday afternoon to look at your documents following our meeting that morning."

Erik Hammarlund, Massachusetts

I am curious to hear what immigration attorneys have to say about this topic

because, in my experience, it seems necessary to review the docs first before determining whether or not the PC even has a case. Or do you review it at the consultation?

Jean Tien, New York

For complex matters I do this otherwise it's not possible to provide thorough consultation. For example, I've got a PC with a 10 page Request for Evidence on a denied H-1 petition who is currently a Canadian on J-1 status. There are a lot of issues. The file is likely a couple hundred pages at least. Without taking a close look at the RFE and denial as well as the petition on which these decisions were based, consulting with the client without review of documents would be shooting from the hip. In those cases, I charge a substantial consultation fee. I give the PC the option of my time and thought in reviewing their documents in advance of our meeting. It's cheaper obviously when I don't. But you do get what you pay for and if a shallower review is what people want, I can do that too.

Alice Yardum-Hunter, California

Not a bad policy. Same apply to lawyers who ask for input? PC's who ask you to review another lawyer's work?

Craig McLaughlin

I think it depends on what you are doing...

for me, I like to see the documents up front because (a) there are not a ton of them and (b) many of my clients descriptions of the documents or their situation are inaccurate or longwinded.

Amy Kleinpeter, California

I always have a fee agreement even if just for an hour or two hours consult. Before the meeting I tailor a form agreement with the info I have. Then it is ready to go at the client meeting.

It is important when you do limited representation to have an agreement which delimits the scope and the timeframe of the representation.

Lynn Sherrell, California

The client who may become a litigation matter may end up paying me \$20K+. I do property, I spend a half hour getting familiar with their property before the initial consultation, and the consultation is a free sell job. I impress them that I know a lot more than they think anyone can find out about their property, and that they can work with me for the next two years. The client who wants a residential purchase and sale agreement reviewed, or

wants a consult on how foreclosure works, or what options they have under their existing commercial lease, may be an hour's work total. I tell them in the phone call whether to send me papers in advance, how much time I expect to spend, that this will be part of the paid time, and I don't otherwise do a fee agreement with the client. These clients normally write a check at the end of the meeting.

It's a balance. Is there reason to invest your time for free? Does the client always know what time you will spend that will be charged? You want the business, you don't allow yourself to be walked on.

Rebecca K. Wiess, Washington

I think you should have an agreement for these items as well - just made up in advance. You can charge a fixed fee for the document review and the consult. If you like, you can credit the fee back to the client if they hire you, but you don't necessarily have to do that. You can just briefly go over that document with the client when they come in or ask them to sign it and return it to your office when they make the appointment for the consult (or when they get you the docs).

If you're talking about a matter in which you need to review docs before your meeting with the PC, you should have the docs before the meeting, so you should be able to charge accordingly. If the PC doesn't get you the docs, either you don't have the consult, or you tell the PC there will be an additional fee for you to do the run around to get the documents you need in order to do the consult.

You don't necessarily need a separate agreement for every PC - you can charge a standard consult/document review fee - or at least create a template agreement and then just fill in the fee based on the extent of what you're being asked to do for that initial consult.

If you want more info, contact me offlist.

Allison C. Shields