

Engagement Agreement Policy

I'm curious on something: what is your process or policy on signing engagement agreements? Do you present it to the client and have them sign right away? Do you collect the retainer amount first?

My procedure is that I present the agreement to the client (e.g. email it to them) and ask them to read the agreement and ask any questions they wish. If they have no questions, then I have them sign the agreement (e.g.

via DocuSign), and then collect payment. I usually try and have the client sign the agreement on a different day than I present it to them so I can truthfully say that they had at least 24 hours to read the agreement.

Obviously, I can't control whether the client actually reads the agreement or not, but I at least gave them the opportunity to do so.

It seems to me this method makes it more difficult for the client to claim later that they "didn't understand what they were signing", etc. No cases come to mind where I lost the prospective to another law firm because I did it this way.

Andy I. Chen, California

I get a signature and retainer at the same time – as to your other question, my engagement letter contains the following:

Independent Legal Review

We have written this engagement letter on our own behalf. Please feel free to seek independent legal advice from legal counsel of your choosing in order to review this engagement letter. As we wish to provide you ample opportunity to consult with independent counsel, we do not require that you return a signed copy of this letter immediately. If you wish, we will be glad to provide you with names of counsel for your interview and selection and to discuss with such counsel any issues arising under this engagement letter.

Walter D. James III, Texas

If the PC was sitting in my office, I would actually go thru the agreement with them. If not, the accompanying email or cover letter would say to please read and ask questions before signing, etc. And yes, for all hourly or flat fee matters, I got paid up front. Very polite but firm about that.

Amy A. Breyer, California

Usually a potential client is sitting across from me in the conference room. I go over agreement, they review it. Sometimes a PNC takes it to review and sign later. Other times, the individual signs it there. I tell everyone I need the signed agreement and money to proceed.

Occasionally, I will email someone the agreement. The agreement is reviewed, signed and sent back when the individual decides. I still have to get both agreement and money to proceed.

Darrell G. Stewart, Texas

I agree with Andy's method. Offer to accept credit card payment. Accept the signed copy by scan and email or even a photo. You sign only after client signs.

Roger M. Rosen, California

Agree with Roger but sometimes when sending a proposed agreement to a PC I will put a deadline for return of the signed agreement and deposit. The circumstances for my doing so is I know I have only a month or two to take in a new client then one of my other cases will become very active and demanding OR my gut says this PC has attributes of a PITA but I think I can do that PC some good and the engagement will

be sufficiently remunerative but I will not lose sleep if that PC can't follow my directions/ conditions.

Michael Boli, California

We do in the same way Andy does it, except we also have online payments available as a link on our website connected to LawPay. So, they get the fee agreement by email after the initial meeting, they have plenty of time to read it, they can pay online, and then if they don't sign up within two weeks of us emailing the fee agreement we send them a "you are not a client letter."

In this way, there is a start and a stop to every function of becoming client, or not, and there can be no doubt about what happened because it's baked into the process.

Art Macomber, Idaho