

Popular Threads on Solosez

3rd Party Acting as Gatekeeper for Potential Client

How do you handle a situation where a 3rd party keeps calling and asking questions about fees and consultation, but won't put you in touch with the actual potential client? I have a banker calling all the time, asking questions, probing, but not putting me in touch with her clients who she says need legal help. It's getting a bit tiresome. I want the work, but not the headache. The banker was asked by PC's to inquire with me.

Anonymous

That info -- like fees -- is confidential and privileged info and it would unethical/malpractice for you to breach that. Just tell the 3rd party that you're not permitted to disclose that kind of confidential info to the 3rd party unless that party is acting as authorized agent/attorney-in-fact for the PC (and shows you something like a POA). Otherwise, tell him, sorry no mas and let me know when the PC can call me directly to discuss his representation.

That's what I would tell the 3rd party.

Cheers,

Gene Lee

Tell the banker that 1) client confidentiality precludes discussing things w/ her; 2) there are details you need to know that only the client knows and that it dramatically increases the costs to filter out everything through her; and 3) ask her if she **really** wants to be a witness to this stuff which is what she is doing.

That should do it. It solved my problem when I had a similar one.

D. Z. Kaufman, Fairfax, Virginia

ON the other hand, the banker may be looking to add to his stable of referral attorneys, but going about it in a way which makes you uncomfortable. Since bankers are a valuable source of referral business (particularly if your practice is in real estate or estate planning) I suggest you don't burn any bridges, but politely make it clear (a) that you are unwilling to go further without direct contact with PC and (b) that if he is looking for general information on your fee structure, experience and qualifications, he should feel free to ask directly.

J. Robert Thompson, Lilburn, Georgia

Handle it directly. Discuss that you are in business to make a fee. Being upfront will be enough to change dynamic.



Subscribe to Solosez

First Name

Last Name

E-mail Address

Submit (input element)



Unsubscribe from Solosez

E-mail Address

Submit (input element)



Books

Click on the book for more info



Alternatively, get vague. Ask banker to send them to see you. Explain that you will be charging a fee.

Darrell G. Stewart, San Antonio, Texas

Explain to banker that you cannot effectively represent (or consider representing) PC without communicating directly. Suggest a three-way meeting or conference call with banker, PC and yourself. Good luck.
Jaconda Wagner, South Orange, New Jersey

My two cents.

If a third party is present at an attorney-client meeting, no attorney-client privilege attaches to the contents of the discussion.

Your paralegal, adult child was elderly parent, or even investigator would arguably not be considered a third party.

Richard P. Schmitt, Washington, D.C

I'm not even sure I'd want to pursue this. Referrals are nice; and a getting a general idea of what you charge is legitimate, but being specific is a very, very bad idea. What can happen is that you wind up letting some third party setting your fee; client comes to you, starts to hire you, then at some point says that so and so said you'd charge \$xxx for it; and this in fact is NOT what you would charge. If a potential client wants to know what you charge, that's fine, talk to the client and tell them; but don't tell a third party beyond "It varies from X to Y, depending on the facts.

Real quick story: I probated an estate for an out of state client; I knew they didn't have any money, so I figured I'd get it at the close of the case out of the sale of the house. I get an order from the judge, authorizing sale, and directing that the sale proceeds be paid to my trust account, and that I would distribute the funds. Fine.

The fricking title company ignores the order, distributes the proceeds directly to PR and beneficiaries, and stiffes me my fee. We're not talking a lot of money: \$1500 standard statutory fee for a probate. When I pointed it out to them, they're all in a tizzy. The right thing to do would have been to pay me the \$1500, out of their own pocket, and try to recoup from the executor. I'd I've been impressed as all get out. Anyone can make a mistake, but it's how you fix it that matters.

Instead of them paying it out of their own pocket, they spend the next 3 months trying to get the executor to pay my bill. Title company calls me 2 or 3 times a week, basically saying "executor says she's going to pay it". After about 2 months of this, I made the mistake of telling title company " At this point, I'd be happy to have \$1200 and be done with it". Well, don't you know, that's what the executor did; sent me \$1200. The title company passed that along to her, and they wound up setting my fee.

At that point, I took the money and wrote the rest off. Of course, I'm NOT using that title company ever, ever, again, and any client who walks in here is NOT going to be referred to them. But the point is, if you discuss your fee with a third party, they may wind up setting your fee for you.

Ronald Jones, Florida

[Back to Popular Threads](#)