

[Jump to Navigation](#) | [Jump to Content](#)

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### Wife's Best Friend Expects Free Legal Work

Dear Firm,

My wife's best friend is purchasing a dental practice and is requesting my help. To be honest, I don't believe that she's being as straightforward as I would hope. She started off by sending a text message asking when I'd be available the next day for lunch. She wanted to discuss a few things with me. After pressing her a bit I found out that she would like me to review an assignment of a commercial lease. She said it was only three pages. When I told her to fax it over, it turned out to be seven pages. After a brief review, I realized that I needed to look at the actual lease which I estimated to be approximately 20 pages. When I told her that it would take me multiple hours to fully analyze and negotiate the assignment and lease, she essentially said to do what I have to do to complete the matter. I asked her to send me a copy of the lease. She faxed over not only a copy of the lease but a copy of a purchase agreement for the dental practice. That agreement is 20 pages as well.

To top it off, she sent me a text message earlier today stating that I had to have the purchase agreement review by Monday as the banker was expecting the deal to close on Monday. I told her that it would be impossible for me to fully analyze and negotiate the agreements before Monday. She relented later and said that Wednesday was okay. Unbelievable.

I feel so bad. My wife is completely understanding and offered to talk to her about the situation but I don't want my wife to be perceived as married to someone that is money hungry and unwilling to help friends. I feel like I have to do this for her best friend. Any thoughts you may have would be greatly appreciated. I hope everyone has a nice weekend I know I'll be looking at these agreements the entire weekend between NCAA basketball games.

Scott D. Wu

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Hi Scott,

My husband's friend did the same thing. I helped with one project free of charge (a simple will and POAs). After that, I agreed to bill him at the "friends and family" rate (about 1/3 off my normal hourly rate.) I billed him once (for a pitifully small amount of money) and he never paid me. Since then, he hasn't had the chutzpah to bug me about his various legal concerns. I think that anyone who can afford to purchase a dental practice should be expected to pay his/her lawyer. Lawyers deserve to earn a living, just like everyone else. Good luck!!!



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Kelly

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Scott:

Do it for free if you must, but get out the best CYA letter you've ever written ASAP. Reading between the lines, you're wife's friend may be buying a dental practice from a retiring dentist, perhaps the one she's working for now. Assume that the old coot has the upper hand financially, and knows all of the tricks of the trade. Beware, beware, beware. Before you do anything, your wife's friend has got to agree in writing to:

1. make full and immediate disclosure in writing or on tape of all material aspects of the deal, including the relationships between her, the dentist she's buying out, and any attorneys or accountants for that dentist, as well as the date that the deal was first proposed, who proposed it, changes in the terms that have been negotiated before your involvement, any prior attorneys, CPAs, bankers, etc. who have advised her concerning the deal or whom she has asked to consult her only to be turned down, etc., etc., etc. Honestly, something smells bad about you being brought in at the last minute like this.
2. summarizing the tasks that you anticipate for this project and state that you are doing no other work related to this deal or her practice, and that there will be no ongoing attorney client relationship unless by written agreement, the parties later create one.
3. acknowledge you are doing the work for free on account of her friendship with your wife, what your charge would have been for doing this work on such short notice (estimate the hours involved), and that, even given that sum, the demands that this places on your family, etc. are such that you would not take the work but for the friendship. If she balks at signing a letter like that, run, run, run!

Jeff R.

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RUN, SIMBA, RUN People have to understand that your time has value, and that your skills have value. Rather than worry about what your wife's friends will think of you. If you do this, no one will respect you. After all, if you don't believe your time and effort is worth something, why should anyone else. As your wife's friend if she would ask the supermarket for free groceries, the gas station for free gas, etc. Why are your services less valuable, and why do you not deserve to get paid. It's one thing to do a favor. It's another to do thousands of dollars of legal work for free. If the woman is buying a dental practice, she has money. Get paid, even if a discounted rate that still fairly compensates you for your time.

Jeff S.

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In exchange for your free work maybe she can provide you with some FREE dental work! At least you can get something out of it.

Ryan

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This isn't advice on the legal part of it, Just remember how much Dentists charge for a 15 minute appointment. I realize she is your wife's friend but come on, Dentists are worse than any other industry. IMHO Bill. And don't feel bad for doing so. From one with too many fillings and not enough insurance.

Mindy

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Would she clean/pull/fill your teeth for free? Thousands of dollars of work for nothing? I doubt it.

Lewis

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A few conversations you could have:

- "Are you offering to trade legal services for dental services?"  
(Nothing wrong with that, if you need dental services. Do you have kids?)
- "Look, I occasionally give minor legal advice to good friends for free, just like you probably do the occasional checkup for free, but this is way over the threshold of what I'm comfortable with. If you want to hire your own counsel and also bounce a few ideas off me over coffee, that's fine. Or, you can hire me; I'll give you a good rate because you're a friend. But I simply can't do what you are asking me to do, it's way too much work and liability exposure to do for free. And you need "real" representation, not advice over coffee, if you're going to do this deal."
- "You may not realize this, but giving legal advice exposes me to a lot of malpractice issues. I can't do a bad job, even if my clients want me to. This deal is much more complicated than you think it is, and you really need someone to give it their full attention. I don't have time to do that right now. I'm very sorry and would be happy to recommend an excellent alternative counsel, and to introduce you to them."

I've had those conversations myself. Just grit your teeth and say it nicely but firmly. Emphasis on nicely. The less offensive and aggressive you are, then the less likely that they will react defensively or that they will attack you. That means it's more likely that you will be comfortable holding your ground. As for "Ask your wife's friend if she would ask the supermarket for free groceries, the gas station for free gas, etc." I wouldn't do that, if you want to stay friends. There are far more polite ways to make a point.

Erik

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My wife had a friend in college, she said he was a great guy (and he seemed like he was). She also knows his wife very well. He wanted me to do some legal work for him on a startup business he was involved with. First he wanted me to become a partner in the business and provide free legal services, which I didn't want to do. I offered to provide services at a VERY low hourly rate because I liked the guy and he was strapped for

cash. He would ask to get together to buy me a beer, or coffee, and he would always show up 20 minutes late (probably because he was hoping I would already have my drink purchased). Anyway, long story short we had some good conversations, great laughs, I did some work for him, he paid one invoice after I had to use a crowbar to pry it out of him and then he stuck me for the final bill, I think it was around 300 400 dollars. There were no defenses to payment, no problem with the work, I guess he just didn't want to pay it. I met an attorney a few months later who asked if I was the same Doug H. who had done work for "John Doe" in the past. I said yes. He said that now it was his turn to provide 'free services' for John Doe. Then it struck me that this guy was just looking for a free meal, which I unwittingly gave him. My opinion of people like this is not very high and I will just leave it at that. I helped this guy for the same reasons that you want to help your wife's friend. I didn't want to put my wife in the middle, I didn't want to seem overly motivated by money, I didn't want to place my wife in an uncomfortable position. But her relationship with that 'friend' is ultimately more uncomfortable now that he has stiffed me for the invoice, than if I had not represented him. You are not a charity, nor are you a circus animal you do not have to jump through hoops. If she is hiding the ball, I would walk away, personally. Those deals don't sit well with me at all. And remember, if she won't pay a retainer up front, she is even less likely to pay an invoice in arrears. Trust me.

Doug H.

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Look, Scott, it's one thing to handle legal work for family. You're stuck, they're family. And, once in a while, free legal work for a friend. My friend, that is. But not a friend of family. You're a professional, you're entitled to be paid. Particularly in a document intensive review sort of thingie.

Ronald

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Remember, YOU did not place your wife in the middle, her friend did.

Micah G.

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Sounds like there is a rush to close and unfortunately, the thought that only a cursory review is needed. All too often these deals can go haywire after the fact and the fact that they really did not want to get a full review and to have good legal representation is quickly forgotten. It will be obvious that it is your fault if the deal goes sour. Myself, I would run away from the deal or make sure to spend the time to do it right. If more time is needed to get the comfort level, I would take the time needed (although expediting what I can from my end). Usually when you start asking questions, the client has not thought through the problems and does not have the answers. The due diligence has not been done and no one has checked the books and records. When you start asking the questions, I often find that I can put off the rush to close and move it to "with due deliberate speed." They still want to rush, and you have not run away yet, I would be sure to have a very detailed CYA letter that outlines the many risks and includes

your suggestion to perform due diligence. You may also want to plan for your wife to lose a friend if things go bad no matter how good your CYA letter.

Kevin V.

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If your wife's best friend came to you and asked you to GIVE (not loan but give) her \$5,000, would you do it? That's basically what she's asking you to do. Your time is money. I'm generous, but not that generous. I'd be happy to give a friend maybe an hour of my time max. That's it. Anything beyond that, I offer to refer them to an attorney. I wouldn't feel bad about it in the least. But I guess that's just me. Why don't you ask for payment in kind. Perhaps ask for a whole set of crowns for free. Maybe free root canals for life. It'll be interesting to see if she feels bad about saying no to you.

Gene

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Scott,

Other than your subject, I don't see where your wife's friend is expecting free legal advice. What makes you think she will not pay for your work? I would send her an engagement letter asap, stating your hourly rate, and you might say something like you are waiving the full retainer at this time since she is a friend. You may also give a discount to her for being a friend. Good luck.

Michael B.

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I have done something similar to nearly everything suggested here. I have done a free preliminary review (then cussed myself out), I have referred them to other counsel, and I have never gotten paid by some of my "friends", etc. My suggestion: The preliminary review was "free" consider it your initial consult; ask if she wants to trade or pay for the work that needs to be done, offer a family and friends rate (1/3 discount), send her over a fee agreement and tell her you will get right on it after you get the signed fee agreement back, "cause the bar requires all agreements to be in writing." In Utah that is true for work expected to be in excess of \$600..

Randy

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Thank you all SO much for your suggestions and kind words. Most of the time, my Asian guilt (intensified by my years in Catholic school) gets the best of me. For what it's worth, she did do a root canal for my brother in law and he didn't have to pay anything out of pocket; however, that situation was different from mine as my brother in law had dental insurance. My lovely wife, and her other best friend, are very supportive of me in this situation. I hope you all have a great weekend.

Scott Wu

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Scott, I am not an attorney yet, but I have experience in business. Any "friend", that does not at the very least offer or inquire as to your fee, has no intention of ever paying...for anything; and therefore is not a true "friend." She should give you the option of discounting, bartering or waiving. She is buying a business and spending tens of thousands...and cannot pay for some document review?!! It's likely that she will need an attorney for other transactions and services and since you do good work free, she will be at your door every time. She will just be an anchor. I would not even barter. I pull my own teeth!

Craig

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The first thing you should have done (and can still do, though you appear reluctant to do so) is to have asked how you should send her the engagement letter (fax, email, etc) so she could sign it. If she indicated that she expected the work to be done for free (and she very well may expect to pay) and you were willing to work for free, then you could have said that you would of course not charge her but that she needed to sign the engagement letter (mine addresses things like file destruction and other matters besides fees). In any event, when you are done, send her a detailed bill showing all the charges and then showing a credit to zero out the balance. Do not fail to send a bill. If you send a bill for, say, \$4,000 and then a credit for \$4,000, with a zero balance, you will be appreciated \$4,000 more than if you don't send any bill. Doing the work at a discount is one thing. Doing it for free will cause resentment and could lead you to short her on the work needed. It is a very bad thing to allow yourself to feel manipulated into doing free legal work. At least discuss the matter with your wife's friend.

Richard

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Scott,

I'm not even particularly cranky today, but I suggest you draw a very bright line and not work for ANYONE without an advance payment, ESPECIALLY RELATIVES AND FRIENDS except if it is public entity or if you have a prior relationship that assures payment. This lady? Fergit it. Estimate your time and get an Advance Fee Agreement signed with the payment in your trust account before you do ANYTHING. If you want me to loosen up the way for you, give her my telephone number and I'll give her the spiel. When she gets off the phone, she'll be glad to pay you and get 'er goin'. Best regards,

Arthur B. Macomber

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I'm pretty sure there is a Federal Statute somewhere, although I have never personally seen it, that entitles all friends of attorneys to fee legal services for life. My understanding is this even survives death and divorce. This is a hold over from Roman Law, and the same old Roman Law requires that you pay filing fees for blood relatives of you and your wife. I don't mind giving discounts; however, I send bills that express the

discount ."

Patrick J. McG.

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"Free" work for friends? There is no such thing as free. If a client is not being charged it means some other source is financing the work, primarily the paying clients, who, I might add, may not be happy that the financial cost of legal work for someone else is being shifted to them. Also you may be using your best daily energy, cerebral and emotional attention, etc., for the freebie client, which means less is devoted to the payors. This type of arrangement is akin to "relationship banking," where money, co signing, and the like are extended to relatives, close friends, paramours, and business associates. Even if getting paid, the engagement may not be a good idea, such as handling a divorce for someone in one of the above categories. Exceptions? Uncomplex estate planning, uncontested probates, some adoptions, and other basic projects come up a good bit. Other types of relationship blowups seen on a regular basis are lovers buying real property, finances both signing for the rings, roommates on leases, and relatives co signing for motor vehicle purchase financing. Some go without a hitch; many do not. Mr. Macomber's remark about getting fee deposit up-front applies regardless of the degree of acquaintanceship. For example, family law cases can pile up the work quickly and if not paid in advance the chance of payment is low. We are not bankers. Most divorces are not as costly as weddings. I mention to clients that they should be able to raise a percent of what was spent on the wedding. A few come back with a deposit. A missed engagement due to lack of capital is a gain for your practice, not a loss. I know, the above is an oversimplification and I know we all are going to/will perform services at no charge to the client. Given that, do we have an ethical duty to affirmatively notify paying clients in advance that we do legal work for others at no charge? What if you get your jollies doing "free" appeal work in death penalty cases? It may be that clients who favor the death penalty and do not want close examination of convictions would go elsewhere for an attorney if they knew you burn a lot of fuel on those appeals

Rob V. Robertson

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That's a great question. I remember a post on clients calling at the last minute and then being incredulous when fees are quoted to them. Unbelievable.

Carlo Ciccone

The novacaine will, of course, be extra.

Jeff Molenda

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Hey Scott, it does sound like your wife's BFF is being less than candid with you, but she hasn't asked for free legal services and I wouldn't let her off the hook so easily by just giving her the free services.? Bill her and give her a discount in recognition to her relationship with you wife.? But bill her.

Traci

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What gets under my skin the most about these cases is that not only are people taking advantage of you, they also have the nerve to expect their work to be done immediately.

Rick Bryan

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I'm pretty sure there is a Federal Statute somewhere, although I have never personally seen it, that entitles all friends of attorneys to \*fee\* legal services for life. My understanding is this even survives death and divorce. That is correct...all of my friends are entitled to FEE legal services for life. It may be a reduced fee, but its still a fee. This applies to family, too. I even billed my own father (mind you it was reduced by 90%off the hourly rate, but I still billed him...after all, I pay him for his accounting skills... why should I not bill for my legal ones?).My political opinions, jokes and puns are all free of charge.

Russ F.

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If she is your family dentist, ask her does she want to barter her services for yours? If not, just send a bill for your time and do not worry about it. I did not see any mention of wanting it for free.

. Robert W. "Robby" Hughes, Jr.

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I thought you would all enjoy an update to my saga. I spoke with my wife's friend earlier this week and told her that I could do up to one hour of work free of charge but that after that hour I would have to charge her at a reduced hourly rate. She told me that there was some dispute between the person that she is buying a practice from and the landlord and that I should hold off until I hear from her further. Fast forward to today I got a text message from her essentially stating that she had her CPA look over the contract for any loopholes and decided that she was going to sign the contract as is so that she could meet the closing deadline. I think I'm going to go to my lawyer friend and have them take a look at my teeth...FYI I did some free legal work for her last year obtaining a restraining order for her against her ex boyfriend. Thank you all so much for your very kind words and advice.

Scott Wu

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I have a "special" rate for all friends and family...while they think they're getting a "discount" they're really paying more. The reason for that is when you work for friends or ... Even worse, family ... you hear from them twice as much at least as any other client. And they call you at home! I had a fellow attorney who had a problem with calls at home. His wife would answer and while they were waiting for him to get on the line she would ask them for their billing address. It was great and worked to cut



out some of those home calls!

Renee D. Kirby, Esq.

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Scott: Great, great news! I do appreciate the update, I do. Congrats on your maneuver around this mess while at the same time making an offer that will still leave you looking like a nice, reasonable guy to all of your wife's friends. Barry Sanders would be proud of that juke. Now I have a favor to ask. I think we need to come up with a Solosez abbreviation for this topic, and we need to have updates from you from time to time. I nominate this for an official Solosez "freeloading friends 'o family" cautionary tale. I smell trouble down the road for this dental practice. Please apologize to your wife for me for predicting ill of her friend, but I've got to call 'em like I see 'em. There's a "dispute" with the dentist she's buying the practice from AND the landlord AND she gets the contract looked over by a CPA at the last minute to meet a closing deadline that's obviously being imposed on her by somebody in a superior bargaining position (and probably superior knowledge of the dental trade). And now you're free of all of that. O happy day! I'll share a drink with you. Since you're not physically, here, I'll drink yours for you. (No objections if you do the same on your end.)

Jeff Rambin

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You might want to consider sending her a non engagement letter, detailing her decision not to use you, so when the practice goes down in flames, she doesn't sue you for something you didn't do.

Mark

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Thinking a little more about this ... Is the CPA engaging in the unauthorized practice of law? What is the CPA doing that relates to being a CPA? Certainly, reviewing contracts for "loopholes" is not something my CPA does.

Mark

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He is and he should be notified and if he does not quit, he should be reported.

Robert W. "Robby" Hughes, Jr.

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[Back to Top](#)