

Popular Threads on Solosez

CLIENT WANTS REFUND

Friends, I need your help!

I represented a client in a traffic matter. The result wasn't what we were hoping for. The client asked for a refund.

What should I do?

I don't think there's a viable malpractice claim or ethics complaint here, but I'm freaking out about that. And I'm worried that the client might trash me online.

Of course, giving a full refund doesn't prevent any of that. But it theoretically makes the client a bit happier with me.

I truly want people to be satisfied with my services. If someone's not satisfied, I don't want their money. If only one client in 16 months asks for a refund, I'm cool with those numbers. But does that make me a wimp?

Do you guys provide refunds if a client is really pissed at you? Perhaps most importantly, is a refund likely to appease an unhappy client?

Thanks for your advice!
Andrew

PS: I was pondering a money back guarantee, but I haven't offered it publicly, and it definitely wasn't in my agreement with this client.

So if you represent a guilty person and they are found guilty, you are going to work for free? I don't think so.

With kindest regards, I remain

Sincerely,
Keith Couture, Louisiana

I do not provide a refund for a poor outcome.

If you did nothing wrong, why give him the money back. If you had won, would the client give you a bonus, probably not.

If the client is going to make a Bar complaint, then refunding the money probably will not change that and if I review my file and find that I am solid, I will deal with the Bar.

Dennis Chen, Florida

If you didn't do anything wrong, the result was a possibility you explained to the client, and there are no unknowns you are not telling us, tell him to get lost so long as the fee was reasonable.

Stephen L. Hoffman, Illinois

I Agree with Keith...

If they like the results, do you get to double your fee?

Danny Meel

"I truly want people to be satisfied with my services. If someone's not satisfied, I don't want their money."

Cheerily and convincingly convey that attitude, maintain that the result was not in error but you regret a better resolution was not possible under the facts, give them the money back and move on.

A bar complaint or suit, even if meritless, is worth far more in terms of your time than some minor traffic matter. The key is to get them to leave, thinking highly of you because you did not argue with them and you really want satisfied clients. What you don't want is muttering clients, wandering off contemplating revenge.

David Rubin, Missouri

AND your reputation will not only be the guy who got a bad result for ONE disgruntled ex-client, but you will also be known as the guy who will give a refund just because client is disgruntled. Bad idea, IMHO.

Toni Warder, Texas

The client will consider a refund to be your admission that you did something wrong.

Russ Goldman, New Jersey

No, don't give him a refund. You can't promise results in court cases. I tell my clients if I could promise results, I'd charge a lot more. Document that he asked for a refund and explain to him in writing why you don't do that and can't do that. (Why don't you do that? Because you'd go broke and your children would starve.)

He may trash you or file a complaint or whatever, but a refund will not soothe the savage beast; it will just affirm in his mind what a knucklehead you are. After all, you admit it yourself!

Don't give money back guarantees either; we're practicing a profession, not selling furniture.

I didn't mean for all that to sound harsh, but ya gotta be tough. Cowboy the @\$% @ up.

Kevin Burgess, West Virginia

Amen!

Ryan Alexander

Maybe this is another initial interview question that should be asked, "How often do return things you buy?"

Royce Brent Bishop, Florida

You might need to research the ethics rules on this. I'm not sure about [your state], but generally you're not allowed to use contingency fees in criminal cases. A money-back guarantee, and possibly even a implied refund, sounds like a fee based on results, rather than services. Some traffic tickets are criminal misdemeanors, rather than civil infractions.

A written fee agreement clearly explaining that there will be no refunds would probably save you lots of headaches in the future. Even if you give the refund, make sure your file is in order in case a complaint happens, anyway.

If ethics rules permit and if you have no written agreement to cover you, then I would refund the money this time. A satisfied client (or at least less dissatisfied) is worth more than than some money for a traffic ticket. But in the future you'll have to be more careful, explain your policy, and get it in writing. Otherwise, you might not be in business for long if you're always working for free.

Good luck,

Chris Sully, California

Or, and again keeping specific ethical considerations in mind, you can see if your client would like to pursue an appeal. I know in California, a lot of misinformed traffic court judges will not permit traffic school to deal with the point. If that's the case, caselaw stating otherwise (in California at least) can at least get a partial victory on appeal.

Patrick Coughlin

My question is: Do you not have a provision re refunds in your retainer Agreement”

Karalyn Eckerle
Virtual Assistant/Paralegal

Hey everyone. Thank you for the great advice. And thanks for responding so quickly too!

To answer Karalyn's question about the retainer agreement, this is a flat fee matter. The agreement was \$X for the whole case.

I took the majority's view and politely explained to the client that I could not give him a refund. And I've got a letter prepared for tomorrow's mail that says the same.

And it's not likely this guy will be a repeat customer. If he is already not happy with the job you did, why would he give you another chance. There are too many other options down the street for him than coming back to you. Keep the fee.

P. Burcham

Check with your State Bar and your malpractice carrier on these. However, I tend to agree with the list. Remember, he came to you with HIS problem. You are not the one who did the traffic violation. Assuming you did not say "I can get you off of this one" or make any other ridiculous guarantee, while you are disappointed with the results, unfortunately, the brunt of it is on him.

This reminds me of a lawyer joke.

A guy wakes up and finds himself in a hot air balloon hovering over a big green field about 50 feet from the air with no way to get down. He looks down and sees someone on the ground. He calls out and says "Hey, where am I? What's going on?"

The man on the grounds says: "You're in a hot air balloon hovering over a big green field 50 feet above ground with the wind blowing around 10 mph."

Balloon Man says with disgust "You must be a lawyer."

Ground Man says "Why do you say that?"

Balloon Man responds, "Because all you've done is tell me what I already know and what trouble I'm in."

Ground Man responds "Well, you must be a client. I did nothing to get you into the situation you are in and yet somehow now I am responsible for it."

Ann Penners Bergen

Right...But there are two things to keep in mind.

First, there is a difference between being satisfied with your services, and being satisfied with the results.

Second, there is a difference between a client with reasonable expectations, re: your services, and a client with unreasonable expectations about your services.

Laurie Axinn Gienapp, Massachusetts

I would just add: Is it your WORK that was not worth the fee? Or is this just another example of how lawyers, like prostitutes, are worth any fee up front, but worth nothing after the work is done? (Is there a split-the-baby answer?)

Either way, never ever represent this client again. And if you refund their money, they will come back!

Mary Daniel, Virginia

Your job is not to make people happy or to even make them like you. You're not selling cars. Your job is to use your specialized training, knowledge and skills to assist clients with legal issues. As Mr. Lincoln said, your time and advice are your stock in trade.

If client lost because you did not show up or did not prepare or did not know the applicable law, then and only then should you consider a refund. If the evidence came in to prove the client liable for the offense, your client is found guilty.

Tell client the appeal rights, your fee for an appeal and your assessment of whether they may get a better outcome on appeal.

my 2 cents.

Neil A. Grover, Pennsylvania

Doing a lot of criminal work, many clients, (even after a not guilty on a 3rd offense DUI with a .24 blood test and the judge trying to force settlement by allowing the prior 2 DUIs to be known to the jury) - will not be satisfied. (it's the same in all areas you practice in, I've done many over the years to keep from getting bored).

THE KEY I have found over the years is simple (I'm not a wise-boy, stuck in a man's body, this took me years and years of mistakes to figure out):

SELECTION of clients - I know we have all blamed the client, but consider

one step removed, "we" chose to interview and then let the client hire - we weren't forced. I would bet there were red flags before (I seldom take a client that says it's the principle of the matter).

I filter every potential client once/if they get to me for possible hire

1) What is the attitude?

a) If not already what I think makes a good client outlook (but not bad) I attempt to PRE-FRAME their outlook of the case, if that doesn't work, they are not allowed to hire - I make them confirm by asking questions and letting them come up with the answers

b) If they have a bad outlook but appear to be a client I might want, I attempt to DE-FRAME and RE-FRAME their outlook in that order, FIRST you have to show that their expectations can't be met (DE-FRAME), then you show them new reasonable outlook(s) with them coming up with it via guided questioning (RE-FRAME).

So, when a client is a problem in my office, especially if asking for a refund, I consider it my fault (no matter how unreasonable the client is) for taking them on as a client to begin with - it was my selection.

Finally, if they go bad during the representation - I usually talk to them and discover what is really bugging them - it is seldom the case - it's usually their spouse is leaving them, they lost their job, mother is sick, etc. Then they apologize, and are usually good again.

Matthew Williamson

PS...I know someone is going to ask...do you actually refund? The answer is a general "NO", unless early in the case and I want to prune the tree (get rid of them), which seldom happens anymore.

GREAT ADVICE. I manage every clients' expectations from the moment we meet and if they are not reasonable then, they never will be reasonable. I explain what I will do and how, but the outcome is not in my control. I also explain that regardless of how good a case is, the facts, etc, the OP will likely dispute, and add their spin, and the court does not always see it the way we think they should. That is what appeals are for.

Some criminal clients need to be reminded of what they did and why they are in trouble, and what the attorneys role is.

I find that it keeps the clients in line and happier.

My two cents,

Phil A. Taylor, Massachusetts