

Do you send clients copies of pleadings?

I'm curious what others' general practice is with regard to this - sending the client a copy of pleadings and other documents filed with the court. Up until the past few weeks, my practice has consisted of criminal clients (and mostly court-appt'd ones). Now that I have a few paying/private clients in the family law area, this is something I've been thinking about.

During my first solo round, I didn't have a rule of thumb. I find that some clients could care less about what I've filed, don't read it, etc., in which case it's a waste of time & postage. With other clients, it tends to prompt phone calls because they don't understand what it means, have a lot of questions, etc.

So right now I try & send copies to the more "high-maintenance" clients in the hope that it'll keep them happy that something's being done & prevent phone calls & emails. With the more laid-back clients, I don't send them. They just seem to trust that I'm doing what I should.

What do y'all do?

I'm interested in the group's practical experience in this, too. Foonberg advocates sending everything to the client. He believes it helps support your billing, by showing all that you've done on their behalf. I, too, wonder if a typical client really wants to see the more operational legalese things like pleadings, though. And you're right, it increases postage and other costs to just send these (sometimes large) documents as a matter of course...

Lisa M. von Biela, Washington

Well, you seem to have hit the nail on the head with the observation that in some (many?) instances, sending copies of stuff to the client means time spent explaining to the client what each and every statement in the pleading means. Which of course means that they're spending billable time on that. If they're aware that the time you spend explaining things is billable time, and they're willing to pay for their education, well, that's their choice. I'm guessing that the client will think it will only take a few minutes to answer their questions, but in actuality it may take 30 mins or more just because you have to educate them.

What do I do? Go through the process I just outlined...if they want stuff, fine, but it's likely they won't understand it, and then they have to pay me to educate them. Virtually all of them don't want to use my time for education.

Tom Simchak, Texas

I send everything. Found that it reduces the number of "what's going on with my case" calls. It also makes the client smarter about what is going on - their questions are more narrowed and focused when they do call.

Tom Crane, Texas

I tend to send clients a copy of everything. I scan every piece of paper that comes into the office. After its scanned, I either send it to the client or shred it. I bill for sending a copy to the client.

D.A. "Duke" Drouillard, Nebraska

I am attempting to be as paper less as possible, or, as Ross says, paperLESS. To accomplish that everything gets scanned that comes in the office. The original is then sent to the client for review. I think it educates the client and my secretary can handle most of the "what is this?" calls. So yes all pleadings and correspondence go to the client.

Dennis Riley, Illinois

I send everything. It is a good habit to develop.

Eric Welter, Virginia

Not only would I provide clients copies of the pleadings, but in most cases I will ask the client to review the pleadings and sign each page before it is filed.

I've had too many clients say "I don't know why my lawyer did that" or "I didn't know what my lawyer was doing" to want to be one of those people.

Erik Hammarlund, Massachusetts

Take advantage of email! You are probably already scanning your documents in. Put a password on them and send them to the client. No postage or envelope required. It keeps them happy, knowing that something is being done in their case. And you've kept them informed as things have gone along about their case. They can't come back to you and say you didn't do so and so...

Not that you couldn't show them after the fact, but sometimes up front communication keeps them happy. If it is something unusual, I will also put a short note in the cover email detailing what it is and its purpose. This prevents a lot of the "what is this" phone calls or reply emails.

Also, it helps if the client ever decides to leave... they already have their file.

Kimberly DeCarrera, Georgia

I do family law, and I send everything. It is my impression that all of my local peers do too.

I WANT my clients to understand the pleadings. They're happier to pay their bills when they get what I'm trying to accomplish.

I keep the expense down by asking every client early on if they prefer the quick turnaround they'll get with emailed copies of pdfs. Most everyone who has an email address opts for this--and they love it.

Ann Vetter-Hansen, Washington

I always, on behalf of my lawyer/employer, sent copies of everything to the client. I'd copy the client on the cover letter to the clerk or opposing counsel, and then I'd add a postscript on a separate page that said something like this:

I believe your copies of the cover letter and pleadings to be self-explanatory. Please plan to meet me at (court name, court address) on (date) at (time) in the hallway outside of Courtroom #(whatever) so that we may review our strategy immediately prior to the hearing. If there are any witnesses whom you wish for me to subpoena, please provide me with their names and addresses immediately. OR We have agreed not to subpoena Mr. Jones or any other individual for this hearing. However, if you now believe that we should subpoena blah blah blah, please contact me immediately. (This is a CYA sentence re subpoenaing witnesses.)

At the hearing, I expectwhatever.

With a complete explanation such as this, the phone calls were diminished significantly unless there WAS a party to subpoena or the client had a concern.

I became quite a fan of e-mailing all this stuff to the client before letting the mailman take it the following morning. That gave the client an opportunity to call and point out any errors or bring up another issue that needed to be addressed prior to mailing via USPS. I'd much prefer to correct any errors before mailing.

Lastly, Mr. Foonberg was right - if they don't see it, how do they know you did it? I bring this point up occasionally, that a good clerk can get your discovery out without your having to dictate all of it every time. But you can bill for it. I encourage clients to establish a file drawer for their case and put everything from our firm in that one place, in chronological order. Sometimes when they call with a question I could refer them back to the letter we mailed to them on whatever date.

Marilou, a clerk on hiatus, Virginia

I think it does indeed educate the client on my bills. In some 15 years of private practice, I think only one client has ever called me to discuss a bill.

Tom Crane, Texas

Thanks for the input, everyone - much appreciated!

Adrienne S. Davis, Nebraska

Thanks for bringing this up. I was considering sending my newest litigation client a binder with dividers and then sending her each pleading to put in the binder. After reading this thread, I'm making a Staples run for supplies.

Gina Madsen, Nevada

I send everything, including transmittal sheets, to the client except for my own filenotes and what the Bar supports as my own work.

I want the client's file to look just like mine (save my work product). My reasons:

-- I want an informed client. I suggest the client get a 3-ring and file things according to certain categories (intake information and service agreement, notes and correspondence, petitioner's financial info, respondent's financial info, child support info, parenting info, court docs). With a less educated or less able client, I sometimes provide the binder and dividers. I'm thinking of doing it routinely as part of the intake expense. I don't want to get in a depo or mediation, or God forbid in a hearing, and have the client say, "Gee, I didn't know that. You didn't tell me." At least I can say, yes, I sent a blue file note on March 3rd. Here's my copy. See where the stamp says "Sent to client 03/03/10"?

-- If and when the client decides to go elsewhere and please forward my file, I can honestly say, "You already have a copy of everything to which clients are entitled. I retain and do not forward my work product."

-- When a current client requests a copy, I know what I've sent because I either stamped it with "Sent to client _____" and filled in the date, or I can pull the transmittal sheet, or I can look in my client e-mail folder and see the email to the client where the doc is attached as a pdf or is in the body of the e-mail. I suggest that the client look for it again, then call if s/he can't find it. I charge for second and subsequent copies; without a fee, I am reluctant to create a habit of accommodating the client's failure to manage client's own file.

I do not bill the client for making and mailing the first copy. I learned long ago that clients do not like being nicked and dimed; they'd rather I charge a few more bucks an hour to cover the admin expenses.

An informed client

- * doesn't call every day with "so where are we" questions.
- * doesn't call in a panic because some relative told a war story
- * doesn't quibble about the bill as much b/c knows what I've been doing
- * usually leaves happier than otherwise would if the result is less than s/he wanted b/c s/he knows what kind of background work I did to achieve the desired result

It's worth the extra steps.

CJ Stevens, Montana

I actually saved file folders that were reusable when I scanned and shredded files. I would put a new label on it and give it to a new client that I felt would benefit from it. I even gave one client an old two-hole punch and she was happier than a pig in mud when she got something new to put into her file.

Marilou, a clerk who misses her old clients! (not a lawyer), Virginia

I send everything because we tend to talk in legalese to our clients and although they "understand" at the time or don't ask questions, most of the time they don't realize what they don't realize...i find that sending the pleadings initiates conversations and questions from the client that otherwise would not happen and I am in the business of educating my clients as to their case. I scan and email most docs to the client.

Micah G. Guilfoil, Kentucky

With exceptions, they say never say never or always, I copy everything to the client. It lets them know that you are working on their matter and what you are doing. We sell our thoughts and ideas. Clients would rather pay for paper. Email and scanning makes it much easier to keep your clients in the loop. But remember, email is generally not secure!

Harvey I. Levin, California

On the first meeting, (after the retainer is signed and the check is written) I give the client one of those expandable folders with the flap and the stretchy thing (I have no idea what they are called) to put all the papers I send them about his/her case. And then I send them everything.

This hit home recently when a client I had two years ago tracked me down through the internet to locate me in my current practice. The client then sent me a copy of everything I had sent him about his case back then, so I had a complete history to go on with the new filings. It was way cool.

Kim Lengert, Pennsylvania

I'm in the "send everything" camp.

Let me ask a semi-rhetorical question:

How hard would it be to create a client-friendly paragraph or two describing what each "thing" you send them is and what it does? Print them out and copy them on pink paper. We call them "Splainers." Whenever you send clients something, send the pink Splainer along with it.

Here is an actual Splainer we use:

Interrogatory

In a lawsuit, each side is allowed to ask each other questions as part of

"Discovery." Lawyers call these questions "Interrogatories." I'm not sure why they don't just call them "Questions," but that's really what they are. I have a theory that a long time ago, lawyers who billed by the hour figured out that it takes longer to say "interrogatory" than it does to say "question." They probably figured that using three times as many syllables would take longer to say and, over the course of an entire case, they'd be able to charge for an extra hour or two. Plus, using confusing words might make a client ask what it means. Imagine how much extra time they could bill for!

I'll try to call them "questions" or, if I absolutely have to say "interrogatories," I promise to speak really fast.

The way it works is that one side asks questions, and the other side has to answer them honestly and accurately. The job of a good lawyer is to answer the questions truthfully, but provide the other side with as little useful information as possible. For example, if they ask, "Do you know where the Holy Grail is," we would answer "yes" instead of "it's in my sock drawer."

When they ask you questions, I need you to give me the full and complete truth. Please don't hide anything from me. (I'm on your side. Remember?) I will then put your answer into my trusty Lawyer's Mumbo-Jumborizer 3000, and strip the answer down to the bare legal minimum.

Of course, the other side will try to do the same thing. And, don't get worked up if they lie in their answers. That just means that the other party doesn't trust his lawyer enough to tell him the truth or that their lawyer isn't as good at Mumbo-Jumbo as I am. And, don't worry. My Mumbo-Jumborizer 3000 has a "Reverse" gear. I can still get at the truth, even if they lie and try to hide the ball. That's my job. Sometimes, we don't even have to answer a question at all. For example, they might ask question that they aren't allowed to ask, or they might ask a confusing question, or break some other technical rule. If so, I'll object.

In some cases, I might even object to the question and then answer it anyway. Don't think I've lost my mind. That's just a lawyer's way of calling the other attorney a double-idiot. It's like saying, "You moron! Not only did you break the rules, but you asked a question that doesn't help your case! Take that!" (If the other attorney answers my questions like that, though, he really has lost his mind.)

I know this is all ridiculous. Now you know why people hate lawyers.

Of course, you can be serious. You don't have to be nuts like me. But, you do this once for each thing and you'll never have to do it again. That seems like such a good use of time. What's stopping you?

David Allen Hiersekorn, California

I like that!! If I can get a special lawyer to waive into Virginia, at which time I will return to the workplace, may I use your idea?

Marilou, a clerk on hiatus who really misses it!

I send everything -- clients LOVE IT

Rinky S. Parwani, Florida

From my first day of private law practice I decided I would send each client a copy of everything that came into my office or went out of the office and which concerned them, of course with a transmittal letter too.

1. -- It keeps the client informed.
2. -- It keeps the client happy.
3. -- 1 and 2 = no malpractice claims or bar association complaints.
4. -- A happy client is more likely to refer my office for future services than an unhappy client.
5. -- It is cheap advertising.

When another lawyer refers a case to my office, I always send a thank you letter and then at the end of the case I give an update of what I was able to do for the client. Occasionally I have sent letters telling why I didn't think the client had a case or why the case was a loser. Again. I think this is good PR within the profession and will result in future referrals. My best clients have always come from other lawyers and other professionals and not off the street. But, then again, I have a very limited practice area.

Frederick G. Irtz, II, Kentucky

Although I agree with nearly everything you say, I always hope I can send most of the stuff via email to the client. That saves a boatload of printing, copying, and postage costs. Besides, most of the time the client has no idea what the thing is you're sending them. They just like to see a "thing" associated with the money they are paying.

As to your #5, it strikes me as positively correct. And the idea rang true for me when I got Chinese food takeout the other night. I had phoned in an order from a take out menu. When I picked up the order, they put another menu in the bag (this is true of virtually every Chinese place I've ordered food). It seems redundant to do that every time, BUT the genius is in the marketing / advertising. It is cheap and it puts their name in front of you everytime.

In that light, I think sending copies of everything to the client IS good, even if it is electronically. A corollary idea is to put the name of your firm in the footer / header of every page and the cover letter is also good. Keep your name as many times as possible in the client's head. Great point Fred!

TJ Thurston, New Jersey

I send copies I draft via pdf. I tell new clients to download cutepdf, free, stripped down, very handy.

I get copies from the courthouse via pdf, review them, copy them to the client.

CJ Stevens

Thank you, guys!

I mail everything, but now I'm going to take the extra step and try to give clients the expanding folders - ideally I'll find some way to plaster my name on them, too.

Lisa Babcock, Michigan

Sometimes I find the immediacy of email and sending documents via that method to be counterproductive in so far as it invites one question after another. And once you start on the path of instant response, then when you stop the client may be put-off.

It's a tough choice I think whether with some clients print and postage is a better method of keeping them informed.

I'd like to add to my signature block a notation that no matter how short, every email is charged 0.10 hours. Of course that's not happening, just like a lot of phone calls are 'no charged', but you have to draw the line somewhere. Especially difficult on flat fee cases.

Rick Bryan, New York

Actually,

I find it works the other way -- it keeps the client off my back. My assistant will usually put in the email -- no action is needed on your part or Rinky wants you to review this for such and such and get back to her --

I don't let the client barrage me with emails and I have a hourly clause in my retainers for those problem clients - and I threaten to use.

Rinky S. Parwani

Always, copy everything to client. Routinely admonish client that **ONLY THEY** know the exact, detailed, facts and that it is important that they check facts in everything, filed by me or oc.

Worst that can happen is they bring up some inconsequential details, **BEST** they catch something important. Either way they are involved.

I always try to give my clients work to do. Tell them it **THEIR** case. Should be more important to them than any other person.

John Page, Florida
