

Doorknob Principle

An April 2011 discussion on SoloSez, the email listserv for general practice, solo and small firm lawyers

Learned a new term the other day in an article by family law expert Kathy Hogan, Denver. (A few on this list have seen this remark in another list.)

She used the term 'door knob principle.'

I have seen that in operation but just did not have a label for it.

It describes where an intake conference with new client is over and the client is about to leave and as he/she reaches for the doorknob he/she comments, "By the way, I wonder if I should mention....." He/she goes on to report details which completely change the complexion of the case, the approach, etc.

Am thinking it could also be called

doorknob law,
doorknob rule, or
doorknob axiom.

You may have another term you would use.

I figure many on this list have experienced the doorknob principle in action. I have.

Rob V. Robertson, Texas

I've always just referred to it as "the 'Would it make a difference...?' Problem."

But I like the doorknob moniker, because it harks to mind another important Doorknob Principle that generally applies in these cases whenever possible:

"Don't let the doorknob hit you on the way out." (Or, "Kthanksbye."
- G. Bongiovi)

-Rick

Richard J. Rutledge, Jr., North Carolina

Same idea, but sometimes the clients do not come back and tell you and you learn about it from OC, after you are in the case, OC sends plenty of documentation to confirm what you just learned and when you ask client, you are told: "I did not think that was important to tell you, or I did not think that mattered."

The "doorknob twist" to the story.

At the end of the consultation, the client gave his/her story a little doorknob twist that changed everything.

Phil A. Taylor, Massachusetts

Amazing. This happened to me just yesterday!

Leslie Fenton, Illinois

Phil Taylor's remark reminds me of a common occurrence, at least here in central Texas.

In probate intestacy cases there is always the issue of unknown heirs.

It is common for clients to report themselves, that is 'the children' of the deceased but omit the 'outside children,' these being illegitimate children of the decedent.

If counsel is not careful to ask about other children, 'outside children,' etc., rude surprises await.

The client will later say, "Oh, I just thought we were concerned about the 'inside children.'

Rob V. Robertson

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I have started making clients sign off, literally, on a family tree. It seems to jog their memory a little when they go to put their name on the doc.

Kindly,
Jimmy McMullan, Alabama

I call this "third hour truth." It really doesn't refer to the length of time. It's just a metaphor.

First Hour = Cocktail Party Truth
Second Hour = Friend Truth
Third Hour = Actual Truth

You have to get through the layers to reach the truth.

Cheers,

David Allen Hiersekorn, California

My doctor calls this "Oh, by the way..." - he makes a point of hanging around for a minute after I think we're done to make sure I don't have anything to add. Most of his patients are elders, who always seem to say "oh, by the way" when he's on his way out the door... Interesting that it happens in law, too!

Margaret F. Frosthalm
J.D. Candidate, May 2012, Massachusetts

Whole new estimating multiplier. The doorknob effect. Multiply fee estimate times 1.2?

Once you name this, you can see it everywhere. My bookkeeper. My contractor.

Pretty funny. Hope I don't do it!

Barbara Nelson
Notta Lawyer. Business Coach, New Jersey