

## Re-Representation?

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Repped a client in a conversion claim as defendant. Lost to the tune of \$20k after plaintiff put client's mother on stand as hostile who stated defendant admitted the acts that constituted conversion.

Now the plaintiff has served client with discovery demands to locate assets, and client wants to come by to go over them. I don't mind explaining what they are. In fact I've got some evidence I need to get back to her, but I'm sure she'll think that I'm obligated to defend her again. She was not a good client in the previous matter. I had to hound her about money and I had to constantly seek the truth on my own as she fed me bull most of the time.

AM I under any further obligation in this matter? In my opinion I was hired to defend her in the case. There has been a judgment, and I don't feel like it's my duty to serve her further. This is a new case in my eyes. Am I wrong?

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New case, new retainer, all fees upfront.

Erin Schmidt, Ohio

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Depends mainly on what your prior (?) engagement letter said. Hopefully your feeling and it match up.

Shell Bleiweiss, Illinois

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Did you withdraw? What does your fee statement say that it covers? What does it say about firing clients?

Although, I think you can get out of representing a difficult client after trial regardless, assuming you don't need to withdraw.

Generally, I'd call it a new matter, but my fee statements expressly exclude post-trial matters.

Veronica M. Schnidrig, Oregon

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## SoloSez Popular Threads, January 2013

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This sounds almost like a judgment debtor rule to collect on a judgment. Assuming you covered this in your fee agreement, I would say new case. If you did not address what was covered (and more important not covered) during your last representation in your fee agreement get ready for a massive headache.

In any event you certainly have no obligation to represent her for free and should probably charge to review whatever she has to bring to you. If you are sure you will not be assisting her, decline even a consult.

Robert M. Louque, Jr., Louisiana

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Mine says that I would be defending her for the claim of conversion. She lost that trial. I'll be quoting some pie in the sky number up front and waive by. Thanks for the input.

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If he was still considered her rep on the case, OC would have had to notify him of the hearing.

Erin Schmidt

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You might consider changing your fee agreement for the future to say this agreement covers claims through trial only. No appeals, no bankruptcy, no post judgment activity. My agreement has been a work in progress and this is a change I added a few years ago.

Sharon Campbell, Texas

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Along the lines of what Erin said, if I were plaintiff's counsel, I would probably continue to forward post-judgment enforcement documents on the OC, until OC notifies me that the OC is no longer representing the defendant in the matter. Perhaps you can consider sending a letter to OC notifying them of that fact (with a CC to your client). Maybe even notify the court of your withdrawal, if you envision this becoming problematic, especially if you remain the attorney-of-record on the underlying case.

I also agree with what Robert said. Clients are sometimes difficult, but if you believe that your retainer agreement was too open ended, continue to charge for work to be performed in relation to post-judgment practice -- and always upfront. These services aren't free.

Best regards,  
Joseph D. Kamenshchik, New York

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And I think that comes down to local rules, ways of doing things. We were never consider counsel after trial unless an appeal was filed or something like a motion to set aside/JNWV. Further, this type of motion (post debt collection) has to be served on the debtor, so it is considered a new filing and there is no counsel of record until counsel enters into the case. It would be the same thing for a probation violation, motion for contempt, or a motion to modify. That is different then a post trial motion for like a JNWV or Motion for a new trial.

Erin M. Schmidt

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