

Potential Client and Unsolicited Documents

Hi, firm:

Quick question. How do other people handle PC's who have yet to sign engagement letters, but insist on sending over volumes of unsolicited documents?

I have a paragraph in my engagement letter about this. But now feel that is not enough. A PC was sent an engagement letter. She did not execute or return it to me. Yet, she faxed me over 100+ pages of materials today.

I just drafted a gentle non-engagement letter. But thought I might seek counsel here first.

I'd decline to represent her too. 100-plus faxed pages?!? That is excessive. I pay for 300 pages per month through my HelloFax service and would be very unhappy to have one person use up over 1/3 of that allotment. I say e-mail her the non-representation letter and then mail a hard copy of that letter along with the faxed pages back to her. Or even scan the faxed pages back to her unless it's too much of a task (I have access to a very fast scanner so I'd just stick the pages in and let the scanner do the work). Maybe just e-mail her the letter with a return receipt request. Either way, I'd make it very clear in the letter that I am NOT going to represent her.

Sarah Weimer, Colorado

Here is my contribution to today's vast store of paranoia. <feeble attempt at humor> In the government contracting world, if the documents were from a competitor's proposal or internal government source selection documents, you could find yourself an accessory to a criminal conspiracy. For federal contracting or federal criminal defense geeks, I'm referring to the Procurement Integrity Act.

Jon van Horne

I see no reason to return the faxed pages to her; I would simply destroy them. Had she faxed them to me, they would simply be a PDF file, and like hell I'm going to print out 100 pages for the purpose of mailing them back to the holder of the originals (and pay postage on it to boot).

I would simply point out that I cannot accept evidentiary documents from a client who has not been engaged, and since she didn't execute and return the letter, you assumed she had no intention of engaging. In light of her non-engagement, you have committed your resources to other work and are no longer available to take on her matter.

Richard J. Rutledge, Jr., North Carolina

SoloSez Popular Threads, January 2014

That's why I guard my fax number like my SSN.

I don't see what the problem is with a polite phone call "thanks for sending over the documents but I didn't see the signed retainer? Did you send that separately, or is it mixed in somewhere?"

Rick Bryan, New York

Great proposed optional response. Maybe the relationship is worth saving?

Craig McLaughlin, California

I would also tell PC that I haven't looked at the documents she faxed but have destroyed them. And I wouldn't have looked at them and would have destroyed/deleted without opening them.

Miriam N. Jacobson, Pennsylvania

Why? If the PC is already being presumptuous and/or disingenuous [or is it ingenuous] by not complying with signing an engagement letter but deluging the lawyer with documents, isn't that a red flag that PC will be a PITA client? what's worth "saving" in this non-relationship?

Miriam N. Jacobson

Presumptuous for sending over necessary documents? The PC probably does not think the engagement letter is as important as the lawyer does, for good reason, because it is not important to the poor PC who has a giant legal problem he is worried about. A simple reminder saying that one needs a signed letter seems like a common sense approach.

Michael A. Blake, Connecticut

I agree.

Sometimes clients assume that, if in consultation the attorney says they will need to review the case before proceeding, that means send things for review. They often don't know that the attorneys means that they will only review the case after engagement is official. Like Michael said, they have different things on their minds. I've seen this when working for attorneys. Occasionally, I have done preliminary reviews before an attorney is engaged. Assurances re confidentiality were not a problem.

SoloSez Popular Threads, January 2014

If you want the case, you may want to straighten the problem out.

I use PamFax so my faxes come in PDFs. I have unlimited fax reception. I have received some very large faxes. If I received them in paper form, I would not give out my fax number until I communicated that I wanted to receive docs that way.

Donna R. Ireland, Paralegal

I have plenty of clients who email, fax, or drop off documents before dropping off the legal services agreement and deposit, sometimes just days apart. Just remind them at the time that you are not their attorney unless and until they sign and return the agreement and deposit and will not review any of the documents until that occurs (and will destroy them within X days). If applicable, also remind them that there may be an applicable statute of limitations.

Cynthia V. Hall, Florida

Is Pamfax a competitor for other online fax services such as hellofax, ringcentral, myfax, etc.? It looks great according to the official website, except for the page cost. When the page is sent, if a pdf is attached to the page, then I would guess that it is "one page" --- Are there issues about the page cost that bother you or anyone else?

Roberta Fay, California

PITA is a possibility to be avoided. But my point is, it could have been an oversight. We're all human.

Craig McLaughlin

I have had no issues with PamFax. I don't do a lot of faxing, so maybe I have fewer opportunities for a problem. But I've had it for years and have never had a glitch.

I haven't compared per page cost with any other service.

Every page is counted.

Donna R. Ireland
