

Respond to Inmate Correspondence?

I sometimes receive letters from inmates seeking representation. I don't handle criminal cases, and I assume they are just using a shotgun approach, sending letters to all attorneys in the phone book.

I received one such handwritten letter today. Any good reason to respond?

Or should I just scan, shred, and move on?

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Best practice is to send a standard response to the inquiry, stating that you don't represent the individual. I used to get those, but have not gotten any in a long time.

Darrell G. Stewart, Texas

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I have a canned response. Mine is easier since I do public interest law right now and I cannot represent incarcerated folks.

I've learned that not sending a response doesn't work.

Grace Crivello

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I would send a form letter documenting that you and are not representing the person.

Scott I. Barer, California

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Maybe a dumb question--but why bother to respond? If an attorney in private practice was ever found on the hook for malpractice for failing to respond to an inmate letter, I've never heard about it. Seems to me that even an unequivocal "I am not representing you" is just encouraging the writer.

Kevin W. Grierson, Virginia

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Because it seems to me inmates have nothing but time on their hands, and the last thing a lawyer needs is a bogus bar complaint. Not likely the complaint would go anywhere...but much more likely it ends at the early inquiry stage if the lawyer can produce a letter stating, unequivocally, that s/he is not undertaking the representation.

Scott I. Barer

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For me it is from hearing stories of clients who have had one meeting with an atty and then putting that attorney's name and contact info down as their representative in admin hearings. While it isn't enough for malpractice (since there is no retainer or engagement letter) it does take time to sort out.

Grace Crivello

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Hawaii's Office of Disciplinary Counsel recommends sending a non-engagement letter as a best practice to prevent the inmate from claiming that I represent them and/or that it's my fault if any deadlines are missed. I have had one person claim that I was representing them even after I declined and it was much easier to be able to produce a letter documenting that I declined than it might have been to argue a he said/she said. For the cost of a couple of minutes to draft and the postage to send, I was able to right away close down the claim that I was representing someone whom I wasn't representing.

Naomi C. Fujimoto, Hawaii

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Either way is fine. I answer out of conscience. But we have an appointed-indigent defense system. If they had counsel, they're hoping for a better outcome on appeal.

Just saying, "I can't, I'm sorry," only takes a moment. But if it creates a barrage of letters, you may BE sorry.

I agree with whoever said that doesn't engender a Bar complaint either way.

Reta McKannan, Alabama

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I simply write or stamp return to sender on the unopened letter and drop in a mailbox. If you open and read the letter, you should probably send a non-engagement letter and retain a copy of both letters.

Duke Drouillard, Nebraska

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Really, I don't recall sending a denial memo to Ed McMahon when I got my Publishers Clearing House letter? Stating that I didn't want to subscribe to any magazines this year therefore I don't intend to return my raffle ticket.

Why bother responding at all?

It could be some psychopath that is just looking for attention...

P. Jayson Thibodaux, Washington