

How Do You (Politely) Tell Folks They Aren't Your Client and to Stop Bugging You?

Good morning Sezzers and Happy Friday!

This is not a new issue for me, but I can tell this particular 3rd party is going to be difficult.

As you know, bankruptcy touches on a bunch of areas of the law, and for part of a case, I had to work with a client's agent to get something done.

Occasionally agent would contact me directly, which was fine at the time, because we were all working toward a common task. Task completed, everyone happy, back to my normal work.

Fast forward and former agent just contacted me to help with something that is (a) clearly outside of my attorney/client agreement and (b) not work directed by my client.

How do you tell these agents, former agents, and 3rd parties to go away?

"if you would like me to work on this, we need to enter into a separate free agreement as it is not covered by an existing one"

Lesley Hoenig, Michigan

Not sure how polite it is, but Lesley offers a good suggestion. Nothing says go away quite as effectively as "bring your checkbook."

Duke Drouillard, Nebraska

It is probably more polite than I would actually be.

Lesley Hoenig

Being direct is best approach. "Thank you for calling. I can assist (or cannot assist) with your inquiry. I will require a retainer and fee agreement signed before proceeding." I would also look at it for conflict analysis and who the actual client would be under the circumstances.

Another approach would be to tell the agent to have the principal call, if scope of agency is in issue.

Darrell G. Stewart, Texas

Ask him if he wants you to work on this matter for him as a client. If so, have him make an appointment and mention your initial consultation fee, due at the time of making his appointment,

via credit card, to reserve his space in your appointment book. If not, "I can't discuss your case any further with you unless and until you become a paying client. I know we worked together to help Mr. Smith, but this is an entirely separate matter.

Think about, and if you decide to hire me, call my secretary and make an appointment."

Marilou, not a lawyer, Virginia

Hi, thank you for your email. I'm happy to assist with this. My rate is __\$ an hour. I can send over a fee agreement whenever you're ready to proceed.

Eugene Lee, California

After the statement of the rate, I would also add "and I require a retainer of \$(mucho)."

John Varde, Illinois

Friends and family of my appointed criminal clients are the worst. I tell them that I cannot and will not discuss client's case with them and that I do not have to. Occasionally, a parent needs to provide psychological information and other type things. That's different. If the client identifies them as a potential witness, then I talk to them. Those same family and friends also do not get to sit in on discussion as it violates privilege. At worst they complain to the judge's secretary who tells them that I do not have to talk to them because they are not my client. I tell them all that my time is best spent working on that person's case.

The exception is capital murder cases. Then I ask the family to designate one person to communicate non-confidential information with.

Eric C. Davis, Alabama