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**They're on your doorstep, but should you take the case?
And if you do, How can you Protect Yourself?**

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Weeding out the Cases You Don't Want

- I. Do Your Due Diligence Before Taking the Case.
 - A. Has PC been involved with other litigation? Check the County register of actions.
 - B. Has PC sued former attorneys?
 - C. Does PC have criminal record—check OTIS
 - D. Can the PC Pay? Are there support orders or garnishments outstanding on the PC? Has the PC filed bankruptcy (or anticipate filing bankruptcy)?

- II. Focus on a Discrete Area of Practice.
 - A. Makes it easier to turn away case because you can tell PC that you do not practice in x area of law.
 - B. Makes it easier for you to quickly evaluate whether PC has viable case.
 - C. Helps you know how much work will be involved in a potential case

- III. Common Red Flags
 - A. PC has already been represented by several attorneys. This is particularly true if the PC's former attorneys are well-respected. Find out why there was a breakdown in the attorney client relationship.
 1. Claims attorney did not do a good job.
 2. Couldn't pay attorney.
 3. Attorney didn't listen.

4. Attorney just wanted money.
 5. Attorney didn't call witness I wanted or do what I asked.
- B. PC has conspiracy theories about case, judge, opposing counsel, opposing party, former attorneys, and so on. This includes PC who says he has tape recorded conversations with professionals or parties involved in case.
 - C. PC has unrealistic expectations. This includes PC who says she will sue entities or parties involved after they win their case (like DHS workers, judges, opposing counsel).
 - D. PC has mental health issues (excessively cries on phone, threatens suicide, other "crazy" talk).
 - E. PC is unethical or unprofessional.
 - F. The Over-Involved Potential Client
 1. PC wants to "help out" by giving attorney legal research, helping select the issues. This includes PC who constantly call to check on status or to ask whether you know about a particular court decision.
 2. PC thinks he is a legal genius, tells you what the law is.
 - G. PC does not respect your time. PC will not answer your questions, talks incessantly about the wrongs done to her, and will not listen to you.
 - H. PC is pursuing the case for the "principal" or wants something for nothing.
 1. PC might claim he can make installment payments. PC needs to have a financial stake in the case.
 2. Do-it-yourself Client–PC asks all kinds of legal questions, including details that hint that the PC might plan to pursue case in pro per and just wants free legal advice.

Sowing the Cases you Do Want

- IV. Require retainer (and make retainer at least 50% of anticipated work and costs for initiating case)
 - A. PC wants to litigate out of "principal"– Many PCs are very adamant about how they have been wronged and how money is not the issue, until they find out how

much it is going to cost.

- B. PC cannot come up with your requested retainer and wants to make multiple revisions to the fee agreement.

V. Be Up Front with PC About What you Expect

- A. Where case is heading—possible outcomes or paths the case might take. Let PC know that it sometimes difficult to predict the case's direction—affected by trial judge, opposing counsel, counterclaims.
- B. What you expect from PC and what PC should expect from you—how frequently will you update client? How often can client contact you? How quickly will you respond to client communications? Does PC excessively contact you with emails and phone calls?

VI. Enter into Written Fee Agreement

- A. Include provision that Client agrees to your withdrawal if there is a break down in the attorney-client relationship, including when Client owes money.
- B. Don't be afraid to include in your fee agreement what your expectations are for the PC, particularly if you have received warning signs that the PC will be high maintenance.