**WORKSHEET D(1)**

**D. Working With Your Client**

1. Discuss how to gather information about a legal matter and how to determine credibility and develop trust.

**GENERAL MENTORING TIPS:**

* Share with the Mentee the elements of a successful and relevant client interview.
* What types of information should you seek in this interview?
* What kinds of questions must be asked?
* What types of things should you tell your potential client or avoid telling them?
* How should you interact with your client during the interview?
* Explain to the Mentee ways you can assess your client’s credibility.
* Identify ways to create trust with your potential client in the initial interview.
* Discuss the obligations you have to a potential client (even when you do not take his or her case) regarding confidentiality.
* Discuss specific examples of client information which is confidential and when such information should or should not be revealed. Examples for discussion could include:
* propriety of disclosing that you have been retained by someone
* disclosing the name of your client to a third party
* Discuss appropriate ways to obtain waiver of privilege and the circumstances in which it is likely to be obtained in the Mentee’s areas of practice. Discuss differences between implied and express waiver and identify conduct which effectuates waiver.
* Discuss common mistakes which inadvertently cause violations of client confidentiality and share practical points in and outside one’s office for safeguarding confidential information. Examples for discussion could include:
  + proper procedures for file keeping and ensuring that clients who visit your office do not see information about other client matters
  + propriety of discussing your client’s case in public (even at the courthouse)
  + potential hazards of using email or fax to communicate confidential information
* Discuss confidentiality issues when the Mentee’s client is an entity instead of an individual. Examples for discussion could include:
  + which communications are confidential and with whom can the Mentee discuss confidential information
* Discuss a lawyer’s obligation to maintain confidentiality of potential clients who consult with the Mentee but do not hire him or her, or whom the Mentee ultimately refuses to represent.
* Discuss how to handle a situation where a Mentee inadvertently receives a document containing what appears to be privileged information about an opposing party in pending litigation.
* Discuss the potential of gaining unintentional clients and ways in which to avoid doing so.
* Informing the client of privilege issues when the client wants a third party involved during case conferences.

**OUTSIDE MENTORING TIPS:**

* Some Mentees, in an attempt to save overhead expenses, consider sharing office space with other lawyers. Discuss practical issues that must be resolved when sharing office space with lawyers not in the same firm regarding safeguarding confidential information of clients.

**END OF WORKSHEET D(1)**

**WORKSHEET D(2)**

**D. Working With Your Client**

1. Discuss how to screen for, recognize and avoid conflicts of interest.

**GENERAL MENTORING TIPS:**

* Discuss the importance of adequate screening for conflict of interest. Share with the Mentee the Mentor’s office procedure for screening for conflicts.
* Discuss the obligations you have to a potential client (even when you do not take his or her case) regarding conflicts of interest.
* Explain the importance of including prospective clients and declined clients in a conflicts database. Are these individuals treated like current or former clients in terms of conflicts? What happens when another prospective client comes along with interests that are adverse to the prospective client who never retained the lawyer?
* Give examples of conflicts which can be waived with informed consent. Explain how to document your client’s consent to conflicts.
* Discuss how conflicts are managed when a lawyer changes firms.

**END OF WORKSHEET D(2)**

**WORKSHEET D(3)**

**D. Working With Your Client**

1. Discuss how to decide whether to accept representation on a legal matter.

**GENERAL MENTORING TIPS:**

* Share with the Mentee details about the steps you and your staff take upon meeting with a potential client. Examples for discussion could include:
  + adding information to your conflict database regarding the potential client you have interviewed
  + opening a case file for the client
  + preparing and engagement or disengagement letter to send to the potential client
  + preparing a fee agreement for the potential client
  + doing research on the potential case to make a decision about taking the case
* Share with the Mentee the types of factors which should be considered when deciding whether or not to take a case. To the extent that the Mentor can offer tips to the Mentee about factors that should be considered in taking cases in the Mentee’s practice area, offer those as well.
* Discuss the importance of not delving into areas outside a lawyer’s expertise.

**END OF WORKSHEET D(3)**

**WORKSHEET D(4) & D(5)**

**D. Working With Your Client**

1. Discuss the use of retainer or engagement letters/agreements and how to define the scope of representation.
2. Discuss how to talk about and set fees for legal services.

**GENERAL MENTORING TIPS:**

* Discuss the importance of talking to a client as soon as possible about realistic expectations of the representation, the scope of the representation, and the fee arrangement. Share with the Mentee samples of fee agreements and engagement letters that you use in your practice.
* Explain to the Mentee why certain provisions are either included or excluded in your fee agreement.
* Discuss the basic elements and techniques for setting and managing a client’s expectations. Examples for discussion could include:
  + talking to the client about time such as the duration of the case, what could delay it, what the opposition could be to prolong it, etc.
  + considering cost: what types of expenses should be expected, how much the case could end up costing
  + discussing the upsides and downsides of the case
  + focusing the interview: how to outline what should happen during the meeting with the client and how to keep on track
  + being a good listener
  + advising fully on all relevant considerations/consequences to a course of action
  + following up
  + informing the client of privilege issues when the client wants a third party involved during case conferences
  + discussing with the Mentee whether or not you (or your firm) has ever sued a client to collect a fee. Explain the disadvantages of litigation over legal fees with clients (e.g., bar complaints).

**END OF WORKSHEET D(4) AND D(5)**

**WORKSHEET D(6)**

**D. Working With Your Client**

1. Discuss how to deal with a “difficult” client.

**GENERAL MENTORING TIPS:**

* Discuss why lawyers should be concerned about difficult clients.
* Share with the Mentee (guarding confidentiality) an example of a difficult client you had, how you handled the client, how the difficult relationship affected the representation, what you might have done differently, etc.
* Identify characteristics of difficult clients of which the Mentee should be aware at the earliest contact with the potential client, as well as how to factor that into accepting the potential representation.
* Identify client behaviors that occur during representation which indicate your client is angry or dissatisfied. Provide suggestions of the best and most professional ways to address the client and handle their anger.
* Discuss how to inform clients of problems in their cases.
* Re-emphasize the importance of talking to a client as soon as possible about realistic expectations of the representation, the scope of the representation, and the fee arrangement. Explain how discussing these issues can help to prevent misunderstandings in the attorney-client relationship.

**END OF WORKSHEET D(6)**

**WORKSHEET D(7)**

**D. Working With Your Client**

1. Discuss the “DO’s and DON’TS” of maintaining ideal ongoing client relations, such as returning telephone calls and keeping clients informed about matters.

**GENERAL MENTORING TIPS:**

* Discuss the role that client satisfaction plays in the success of your overall law practice.
* Remind the Mentee that the majority of all complaints to the Pennsylvania Disciplinary Board are based upon the words “my lawyer won’t return my call.” Discuss how law office staff can be used to update clients.
* Discuss the difficulty in knowing what instructions are given (or not given) by a client and some traps into which a lawyer (particularly in the Mentee’s practice area) can fall regarding identifying the client instructions.
* Share with the Mentee a personal example of how failing to communicate clearly with your client caused problems in the attorney-client relationship.
* Conversely, share with the Mentee a personal example of how communicating clearly with your client prevented or resolved problems which otherwise could have ended the attorney-client relationship.
* Share best practices for communicating with clients. Examples for discussion could include the following:
  + sending copies of pleadings and correspondence to your clients
  + keeping clients involved in making decisions in their cases
  + returning calls personally and promptly
  + utilizing staff to provide exceptional customer service
  + confirming instructions and/or advice in writing
  + clarifying reasonable expectations about the representation
  + clearly explaining the fee arrangement
  + promptly providing detailed billing records to your client as applicable
  + being respectful to your clients in all communications
  + respecting client’s time
  + making sure your clients understand the steps of the process, including what will happen next and the appropriate way to respond
* Provide examples of the types of decisions in the Mentor’s practice in which he or she involves the client, including among other things the way in which the client is involved, the reasons for involving the client in those instances, and the reasons for not involving the client in certain decisions which the Mentor makes.

**END OF WORKSHEET D(7)**

**WORKSHEET D(8)**

**D. Working With Your Client**

1. Discuss terminating the lawyer-client relationship and necessary documentation.

**GENERAL MENTORING TIPS:**

* Share with the Mentee whether or not certain provisions are included in your sample retainer and/or fee agreement pertaining to termination of the attorney-client relationship.
* Discuss with the Mentee whether or not you (or your firm) has ever “fired” a client. Explain the factors which led to the action. Discuss the advantages and disadvantages of the action.
* Discuss the often subtle difference between a client who should be fired versus a client with a very high service expectation who should be kept.
* Encourage the Mentee to carefully decide which service expectations are possible to meet and which are impossible to meet regarding return of phone calls, fees, legal work at no charge, etc.
* Discuss the requirements for protecting a client’s interest, even when the attorney-client relationship is ending. Discuss the continuing nature of confidentiality after the attorney-client relationship has ended.
* Explain to the Mentee how to properly document the ending of the attorney-client relationship, including the explicit mention of applicable statutes of limitations, etc.

**END OF WORKSHEET D(8)**