# contents

About the Author ix  
Foreword xi  
Preface xiii  

## 1 Who Is Your Client? 1

**Introduction** 1  
**case 1.1** The Case of the Unintended Client 2  
**case 1.2** The Case of the Family Favor 4  
**case 1.3** The Case of the Ambiguous Fee Agreement 5  
**case 1.4** The Case of the Timely Confession 7  
**case 1.5** The Case of the Discharged Lawyer 8  
**case 1.6** The Case of the Confused Lawyer 9  
**case 1.7** The Case of the Missing Disclaimer 11  
**case 1.8** The Case of the Inextricably Intertwined Parties 12  
**case 1.9** The Case of the Zealous Bankruptcy Trustee 14  
**case 1.10** The Case of the Added Client 16  
**case 1.11** The Case of the Un-Googled Client 17  

## 2 How Much Can You Charge? 19

**Introduction** 19  
**case 2.1** The Case of the Unreasonable Fees 20  
**case 2.2** The Case of the Conflicting Interests 22  
**case 2.3** The Case of the Earned Retainer 23  
**case 2.4** The Case of the Incredibly Delayed Billing Statement 26  
**case 2.5** The Case of the Reconstructed Time Records 30  
**case 2.6** The Case of the Commingled Trust Funds 31  
**case 2.7** The Case of the Unrefunded Trust Funds 32  
**case 2.8** The Case of the Terminated Contingent Agreement 33
case 2.9  The Case of the Alternative Fee Clause  35

case 2.10 The Case of the Unethical Referral Fees  37

case 2.11 The Case of the Improper Fee Sharing  39

case 2.12 The Case of the Business Transactions with Clients  40

case 2.13 The Case of the Free Casket  42

3  Did You Say Too Much (or Too Little)?  45

Introduction  45

case 3.1 The Case of the Purloined Portfolio  46

case 3.2 The Case of the Missent Document  49

case 3.3 The Case of the Cloud Computing  50

case 3.4 The Case of the Loquacious Lawyer  52

case 3.5 The Case of the Prospective Clients  53

case 3.6 The Case of the Lost Will  55

case 3.7 The Case of the Dismissed Claim  56

case 3.8 The Case of the Swedish Lawyer  58

case 3.9 The Case of the Missing Client  60

case 3.10 The Case of the Disjointed Joint Rep  62

case 3.11 The Case of the Conflicting Duties  63

case 3.12 The Case of the Attempted Cover-Up  65

4  Do You Have a Conflict?  67

Introduction  67

case 4.1 The Case of Hatfield and McCoy  68

case 4.2 The Case of the New Associate  71

case 4.3 The Case of the Conscientious Lawyer  74

case 4.4 The Case of the Ghost-Written Letter  76

case 4.5 The Case of the Delayed Waiver  77

case 4.6 The Case of the Three Amigos  78

case 4.7 The Case of the Four Horsemen  79

case 4.8 The Case of the Last-Minute Lender  81

case 4.9 The Case of the Changing Lender  83

case 4.10 The Case of the Departed Lawyer  84

case 4.11 The Case of the Returning Lawyer  85

vi  Contents