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What Client Communications Should be in Writing?

Legal malpractice actions and disciplinary proceedings often boil down to a question or credibility or involve a misunderstanding or an incomplete or incorrect recollection of some past event. To start, an engagement agreement should confirm all parameters of legal representation in writing, including the fee arrangement, scope of representation and who is and is not the client. During the representation, a lawyer should, at minimum, put in writing all major events, decisions and circumstances requiring a decision. This includes offers, demands, legal options and warnings of all sorts. Any differences of option with the client, especially a client’s rejection of legal advice, should be evidenced by a writing.