

# PRESENTER – GAINES WEST

West, Webb, Albritton & Gentry, P.C.

## CLETITLE- Ten Tips to Avoid a Grievance

### TIP #1

- Communicate with your client {even when it hurts};
- Control the way you communicate with your client;
- Don't expect another attorney {paralegal, legal assistant or secretary} in your firm to do it if you are the attorney with whom the representation began;
- Above all else be truthful in your communication.

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### TIP #2

- Privilege v. Right;
- Example: Picture in Office;
- White Board Example.

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### TIP #3

- Read your billing entries carefully;
- Bill regularly;
- Know the lodestar factors and use them when reviewing your billing.

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### *Rule 1.04 Texas Rules of Professional Conduct*

- ★ Time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly
- ★ The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer
- ★ Fees customarily charged in the locality for similar legal services
- ★ the amount involved and results obtained
- ★ Time limitations imposed by the client or by the circumstances
- ★ Nature and length of the professional relationship with the client
- ★ the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- ★ Whether the fee is fixed or contingent on results obtained or uncertainty of collections before the legal services have been performed

Above adopted in: *Braswell v. Braswell*, 476 S.W.2d 444 (Tex. Civ. App. -- Waco 1972, writ dismissed).

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### TIP #4

- Know what to do when your clients asks for her/his file back;
- Treat your file for the client like it really is the client's file – not yours;
- Make frequent memos to the file as the representation progresses

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## Title search: Ten Tips to Avoid a Grievance: Conflicts and Dealing with the Unrepresented Person

Also available as part of the eCourse

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First appeared as part of the conference materials for the  
16<sup>th</sup> Annual Gas and Power Institute session

"Ten Tips to Avoid a Grievance: Conflicts and Dealing with the Unrepresented Person"