



Week of **September 15, 2009**

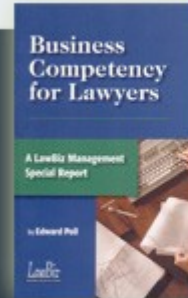
## A Friend in Need Is . . . a Client?

What should you do when an acquaintance needs advice, but obviously can't pay for the full cost? It's a difficult question. If you do someone a favor because you see them regularly, for example in a yoga class, and don't charge for your service, you will ultimately feel resentment (consciously or unconsciously) each time you see that person. And the feeling of resentment is the first step toward the commission of an error and malpractice.

There are really two aspects to analyzing what approach to take. One is that you, as a lawyer, are in business to make a living while helping people with their personal issues. In the practice of law we never forget that we are dealing with human lives. Our goal is to bring a sense of order to troubled situations, communicate honestly and directly about the legal and human difficulties involved, and maintain full confidentiality at all times. It is these services that we as lawyers provide at a reasonable fee, and clients who accept them and pay the fee are entitled to full and responsible representation.

On the other hand, lawyers have a professional obligation to provide legal services, not just to the clients who can pay for them, but to the people who need but cannot afford them. This is the age-old concept of pro bono publico ("for the public good") describing the services of lawyers who voluntarily contribute part of their time without charge or at substantially reduced rates. However, it is a simple fact that no lawyer can be expected to do this unless that lawyer's practice generates the profitability that allows devoting the time for pro bono work.

You have to decide which category the friend's legal issue falls in. If it's obviously a legal aid issue, do you want to be legal aid on the other side? Do you want to work on the equivalent of a modest means panel? If the decision is that



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A Lawbiz® Management Special Report

By Edward Poll

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This is an easy thirty-minute read for any busy lawyer on the go. You'll learn Ed's A to Z basics for managing and running a successful law business without getting into too many nitty-gritty details, numbers, and long examples.

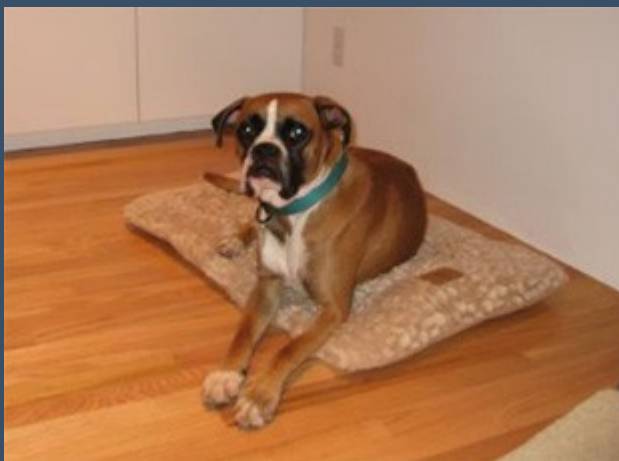
From managing your cash flow and collections process to weighing the ROI of your technology purchases, this 20-page Special Report will give you the essentials on how to make more profitable decisions concerning every part of your law business. You'll also see the hidden costs hurting your bottom line (for example, did you know that you waste \$80,000 of billable time every year on email?). Case studies bring the valuable information in this book to life, making it a fun, fast read that will change your business overnight.

it's a pro bono matter that you want to undertake, then do it. If the friend has modest means and can pay something, then decide what the charge should be. Review the paperwork and make a choice.

But, if your decision comes down to charging a reduced rate, it is a very good idea to get your money in advance of when you deliver advice. Otherwise the friend/client will exert subtle or overt pressure to ultimately make it a pro bono matter for you and you will become resentful anyway. If you tell them the cost before giving advice, the decision to retain you is then theirs - particularly if you add that you've already done your pro bono work for the year, or that you do pro bono only through the organized bar. They will either accept your terms or they will say you're too expensive for them and move on. Such a resolution probably saves everyone grief and resentment down the road.

## Personal Commentary

It's amazing how quickly certain animals (even certain people) can burrow into your heart once they come into the picture. The photo, next to this commentary, is Bandit, a 2 year old rescue Boxer who arrived 3 weeks ago. He's crawled into our hearts already, a tough looking but very sweet animal. I thought I had completed my parenting duties many years ago. Wrong. I'm a parent again, but this time to a four legged creature with boundless energy.



Reminds me of lawyers who say all they want to do is practice law. When they're successful, they have to manage their newly successful business... and the quality control of

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*-RW, Minnesota*

the associates they hire to fulfill the commitments they made to clients. What?!?! I have to also manage this process? They didn't teach that to us in law school. Welcome to parenting – they didn't teach that to us in school either. But, that's why Dr. Spock came on the scene and others... and that is why I became The Coach to the Legal Profession®.

Best wishes,

Ed Poll

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