



Week of **September 9, 2008**

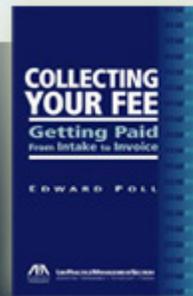
You Can't Get Run Over If You Stand Behind Your Work

The issue of client satisfaction raises the question, "Just what is a satisfied client?" Lawyers often assume that "winning" produces satisfied clients, but no lawyer can ethically guarantee a result. To do so violates Rule of Professional Conduct 7.1, which prohibits "lead[ing] a reasonable person to form an unjustified expectation" about what their lawyer can do. However, lawyers can guarantee a certain degree of effort—which does not violate the code, because it deals with factors within the lawyer's own control.

Establishing a budget at the start of an engagement is a form of guarantee. A budget is only an estimate of what's going to happen. However, creating a budget shows clients that their lawyer is sensitive to their needs, and gives the client a sense of what to expect. If budgets use common sense and realism concerning time and expense, they will save the client from surprises, especially when the client is kept constantly informed of actual expenses versus budget.

Alternative fee arrangements are often another form of "guarantee" when they are tied to a specific result. Contingency fees, in which the lawyer gets a stated percentage of the value recovered for the client, are a prominent example. Such billing alternatives [[Click to hear Podcast](#)] reflect a highly interactive process: the lawyer takes a direct financial stake in achieving the desired results, and the client plays an active role in deciding whether those results have been met. Again, the result is greater assurance and risk avoidance for the client.

It's only a short step from this level to "satisfaction guaranteed," and there are firms that have affirmatively embraced such an approach. In our LawBiz® podcasts, we have featured The Summit Law Group, based in Seattle, which offers a variation on guaranteeing satisfaction by



**Collecting
Your Fee:**
**Getting Paid from
Intake to Invoice**

By Edward Poll

(6x9", 143 pages + with CD of forms soft cover, ISBN: 1-59031-153-1, Published by American Bar Association, 2003)

The CD contains forms for intake, engagement letters, status report, budget, sample bills and collection letters, accounts receivable aging reports and more.

[Click here to purchase the book and CD for only \\$79.95](#)

providing clients with a "value adjustment line" on its invoices, that allows clients to adjust the billing up or down depending on their perception of value received. For years, Chicago's Ungaretti & Harris has offered the assurance that dissatisfied clients will have their unhappiness resolved to their satisfaction, even if it means reducing their bill all the way to zero.

Bottom line, there is no ethical problem when you guarantee that people will be satisfied working with you and with your service. Of course, don't make this guarantee if you aren't prepared to stand behind (and in front of) your effort.

Personal Commentary

I'll be presenting a seminar for the Ohio State Bar Association on September 25 in Columbus, OH that will be broadcast by satellite to several other cities. If you're interested in the "second season" of your career, in learning how to exit the practice of law profitably, or in learning how to protect your family and estate while continuing to practice law, you must attend this program: *Exit Strategy: Selling and Other Strategies to Leave the Practice of Law*. For more details, visit www.lawbiz.com (and check out my calendar of speaking engagements) or contact the Ohio State Bar Association directly. I look forward to seeing you.

P.S. As an added bonus, I will be conducting a Coaching Summit on Wednesday, June 24, in the afternoon, at the offices of the Ohio State Bar Association in Columbus, OH. Attendance is limited, so sign up with the OSBA NOW!

Best wishes,

Ed Poll

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What Readers Are Saying...

"Ed Poll has done it again. He's created a down-to-earth guide for lawyer to collect his or her unpaid bills. The book is full of practical advice such as, 'if you don't create a collection policy, your clients will create one for you.'

"The book offers lots of good advice on engagement letters, detailed bills, fee agreements and intake forms. Plus it's loaded with useful forms.

"If you read this book, you'll have a lot less trouble getting paid for your work."

-Larry Bodine, Web and Marketing Consultant