

Faulk, Camilla

From: Anita Redline [anita@redlinelaw.net]
Sent: Tuesday, April 08, 2008 4:12 PM
To: Faulk, Camilla
Subject: RPC 1.5 comment submission

Hello, This is my submission for RPC 1.5 rule change. I believe that many solo attorneys apply fees to their general bank account because they can they afford to proceed with action on behalf of their client. There are so many ways in which a client can form a complaint to get something for nothing. Especially in these hard economic times, which is getting worse, holding back money from an attorney until after the services are completed will expose hard working attorneys to work for free. When clients want something done, they usually want the attorney to start immediately (thus, the money needs to be available immediately).

These fees with the these various processes is getting unbearably complicated. If anyone read Seth Fine's article in the SCBA, entitled "The Unethical Lawyer," you will note that he expresses the beliefs many attorneys have about these fee changes. Humorously, a client should pay us a "retainer" so that we can become available sometime in the future about a particular purpose. So, we can put that client's "retainer" money into our general account immediately without doing any immediate work.

However, we are required to put the client's "advance fee" money into the trust account for work needed to be done immediately.

Or, we can charge the client a "flat fee," putting the money into the general account. Whereupon a client may exploit the attorney's time by utilizing many more hours than necessary to receive extra service. When the job becomes a great deal more complex and evolves into a convoluted case, requiring many more hours than the flat fee rate; the attorney will need to charge an additional flat fee (by estimating the hours the job will actually take). Whatever...

Fees need to be simple to understand and simple to process and practical. So many attorneys just avoid the trust account because of the stress it causes, someone watches your every move. Many attorneys refund their clients any unearned money to keep goodwill. Solo attorneys swim or sink based on maintaining good relationships with clients. Exploiting clients with their money is rare, expensive, and career damaging.

Look at the power imbalance: Client file a complaint against an attorney with the Bar, there is an investigation, and the attorneys may need to hire an attorney to handle the problem - but the process is free for the clients, without inducing any stress upon them whatsoever. On the other hand, when attorneys need to collect money from the client, which is due them, attorneys are required to file a lawsuit against their client, potentially receiving a malpractice suit from the client. Again, costly both in terms of money and energy. Clients have more power to easily exploit solo attorneys by threatening to file a complaint, wasting valuable resources.

Very truly yours,
Anita L. Redline

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